

**Agency
Operating Guidance
FY 1987**

March 1986

PREFACE

The FY 1987 Agency Operating Guidance updates the FY 1986-87 Operating Guidance published in February 1985. It reflects the Administrator's Management Plan and the Agency's FY 1987 Priority List, which follow, as well as the priorities of each of the Assistant Administrators. The Guidance highlights the changes in direction and emphasis since last year and provides the Regions and States directions for planning and executing environmental programs.

The Guidance was compiled by the Office of Policy, Planning and Evaluation with the Headquarters media program offices and the Office of External Affairs preparing individual sections. Valuable input and comments were received from the Headquarters program and staff offices, Regions and States. Our sincere thanks to the many individuals who helped develop the final document.

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ADMINISTRATOR'S OVERVIEW

Administrator's Management Plan

Over the last year, I have developed a six-point management plan for the Agency. The plan contains the management goals I have set for my term as EPA Administrator. While I have frequently discussed these goals over the past year, I want to reaffirm them here. Along with the FY 1987 Priority List, which follows, they form the basis for the FY 1987 Agency Operating Guidance.

First and foremost, we must continue implementation of EPA's basic programs with a focus on achieving environmental results. We will continue to use the management system developed in recent years to help us identify our most significant problems, decide how to resolve them, and measure our success. We want to refine the system, however, to improve our ability to link our activities to environmental results. In the past year, we initiated a strategic planning process to help us develop long-term plans for resolving environmental problems. Through the process we hope to broaden our traditional Headquarters and media-specific perspective on environmental problems and solutions. We are currently developing plans to address wetland, hazardous waste, air toxic, estuary and near coastal water, and agricultural chemical in ground water problems. Over the next several years, we will develop strategic plans for all our major environmental problems. In the future, these strategies will significantly shape our annual operating guidance and budget priorities. Our management system will track our success in implementing our plans and solving our environmental problems.

My second goal is to ensure a strong enforcement presence in all of our Agency programs. It is extremely important that we maintain a vigorous enforcement and compliance program which is fully integrated into each media program and which addresses localized environmental problems. We should make balanced use of all our enforcement tools--administrative, civil, and criminal actions--and follow-up to determine how effective we have been in achieving compliance. The Regions should continue to make up-front State/EPA enforcement "agreements." These agreements should include expectations for timely and appropriate enforcement response, the appropriate use of penalties and other sanctions, and essential communications among all parties involved in enforcement. We must also work with the regulated community to encourage voluntary compliance and to improve environmental management through such initiatives as environmental auditing. Where other efforts fail, EPA must, of course, be ready to step in as needed to take the aggressive enforcement steps necessary to protect public health and the environment.

Third, we must continue to decentralize our programs and delegate authority to the Regions and States and others where it makes sense to do so. Over the last couple of years, the Regions have made significant strides towards managing for environmental results. Last year, we began working with several States to analyze environmental problems using advanced risk assessment and analytic tools. We must continue to work with the Regions and States to help them develop and implement innovative programs for achieving environmental results as quickly and efficiently as possible. We must also change longstanding practices that impede delegation and adopt policies that are supportive of Regional and State initiatives to manage for environmental results. We must also remember our responsibility to work with tribal governments to develop programs to address environmental problems on Indian lands.

It is important to recognize, however, that properly implemented decentralization does not diminish the Federal role. Effective decentralization provides a clear definition of roles to be played by Regional, State and other authorities. It promotes efficiency and a system of mutual support. We must provide timely guidance and technical assistance to those to whom we delegate authority. We must also constructively oversee their efforts to make sure they have the necessary legal and regulatory authorities and are carrying out their responsibilities.

My fourth goal is to maintain our scientific credibility and identify research priorities as part of our program planning. We need to establish and maintain a strong quality assurance program for our extensive environmental data collection activities in order to ensure that our environmental data are of known and reliable quality. An aggressive quality assurance program will strengthen the scientific and technical underpinnings of our program and regulatory decisions. Also critical to our success is our ability to attract and keep good scientists. To the extent possible, we need to provide opportunities for promotion and scientific recognition as well as necessary state-of-the-art equipment.

My fifth goal is to reach out to the public and interested parties. The American people have made clear they want to be involved in critical environmental debates. We need to explain to them what we are trying to do and why. We must listen and respond to their concerns. We must earn their confidence. Our continued success is dependent upon strong public support. The Agency has made progress in reaching out to concerned citizens and affected parties such as small businesses, but needs to expand these efforts in the future.

My last goal is perhaps the most important. We must invest more in the human resources that are so essential to the performance of our programs. Any progress we make rests on the successes of

individuals. The people at EPA and in State and local governments who are dedicated to achieving our environmental goals must be given the necessary support and opportunity to achieve their very best. Too often in the government we give short shrift to personnel matters. I will do all I can to improve and enhance individual growth and career opportunities through professional development, individual mobility, and opportunities to participate in the decision-making process.

Finally, as we implement my six-point environmental management plan, we must continue to look beyond our national boundaries. We have always been a leader with respect to environmental programs. We must continue to give attention to our work with other nations to promote sound environmental practices worldwide. We will cooperate with our neighbors to correct border difficulties and will participate in multinational organizations to address global threats like ocean and air pollution or dangers to the stratospheric ozone layer. We will exchange with other nations regulations, standards, management techniques, technologies and research. Furthermore, EPA will attempt to harmonize pollution control standards so as to prevent trade barriers or "pollution havens" where manufacturers might compete unfairly with U.S. firms who often, at great expense, comply with EPA regulations.

Agency Priority List

As Administrator, I have to decide what programs come first among the many significant programs we are responsible for implementing. For the third year in a row, we have developed an Agency Priority List (see tab) to communicate to EPA, State and local program managers those problems and activities which deserve most of their time, energy and resources. The list reflects the recommendations of Headquarters, the Regions and States. It identifies the work I consider most important for EPA and our State and local partners if we are to achieve our environmental goals.

The operating guidance identifies what Headquarters, Regions and States should do in the priority areas and translates those activities into Strategic Planning and Management System (SPMS) measures. I endorse the priorities on the 1987 Agency Priority List and will track progress against the SPMS measures for those areas very closely.

The Agency Priority List is not intended to include everything EPA and its State and local partners must do to fulfill various statutory or judicial requirements. In fact, a number of those nondiscretionary activities are not included on the list. The Regions and States should address those other activities in accordance with each Assistant Administrator's program guidance.

Priority List

AGENCY PRIORITY LIST FOR FY 1987

1. Reduce risks from exposure to existing pesticides and toxic chemicals.
 - a. Reduce risks from existing pesticides. Accelerate the review of existing pesticides through the registration standards process. Conduct Special Reviews when the potential for unreasonable adverse effects is present.
 - b. Reduce risks from existing toxic chemicals. Emphasize the review of categories of chemicals and an exposure-based program to identify, test and control existing chemicals posing significant risk.
 - c. Improve ground water protection. Support the development of State programs and methods to address uncontrolled sources of contamination. Give priority to contamination from hazardous waste, underground storage tanks and agricultural chemicals.
 - d. Control drinking water contaminants. Implement VOC NPDWRs, monitor unregulated contaminants, and promulgate additional standards. Expand the health advisory program in support of RCRA waste banning decisions, Superfund cleanup activities, and control actions for agricultural chemicals. Work with the States to ensure compliance with existing standards.
2. Reduce risks from disposal of hazardous waste and stabilize imminent threats from uncontrolled hazardous waste sites.
 - a. Require proper management of permitted hazardous waste facilities. Continue to promulgate RCRA regulations and guidelines, take corrective action at solid waste management units, and issue Part B permits. Increase enforcement actions to obtain compliance. Give highest priority to enforcing against Class I violations at land disposal facilities.
 - b. Control releases of uncontrolled hazardous waste. Stabilize imminent threats, complete Superfund RI/FS and RCRA Corrective Action plans, and initiate site clean-up. Pursue cost recovery where Fund expenditures are involved.
 - c. Support development of additional hazardous waste treatment and disposal capacity. Promulgate regulations and issue permits that encourage alternatives to land disposal. Address public concerns about the siting of these facilities.
 - d. In coordination with the States, focus underground injection control permits and enforcement efforts on existing facilities that present the greatest threat to underground sources of drinking water. Undertake a review of underground injection of hazardous wastes and initiate appropriate control actions.

3. Reduce exposure to unhealthy air quality conditions, both indoors and outside, giving highest priority to the control of hazardous air pollutants.
 - a. Control air toxics. Continue to implement the national strategy to improve preparedness and response capability to accidental emergency releases. Increase State and local agency capacity to address air toxics problems. Accelerate Federal development of NESHAPS, controls for toxic fuel additives and diesel vehicles, and controls for TSDFs.
 - b. Coordinate with the States to take necessary actions, including enforcement against significant VOC sources, to reduce ozone levels in areas that will not meet the 1987 attainment deadline.
 - c. Continue development and implementation of an assessment and mitigation program for radon.
 - d. Overhaul national air pollution controls for particulate matter. Implement the PM₁₀ standard designed to protect against the most severe particulate health impact. Adopt strong State Implementation Plans to control these particles.
 - e. Strengthen technical assistance and support development of State contractor licensing and certification programs to promote effective remedial actions for asbestos in schools and public buildings. Implement and enforce asbestos NESHAPS.
4. Maintain and improve water quality by addressing point and nonpoint sources of pollution.
 - a. Take every possible action with the States to meet the July 1, 1988 deadline under the National Municipal Policy. Fully implement and enforce pretreatment requirements.
 - b. Focus on critical water quality problems. Implement nonpoint source programs and develop and incorporate toxics criteria into State water quality standards. Work through the States to reissue NPDES major and environmentally significant minor permits. Enforce permits and use whole effluent toxicity monitoring and limits where necessary.
 - c. Protect near coastal waters. Design and implement a program to protect these waters from further degradation. Restore the most valuable estuaries to acceptable water quality. Address the impacts of sludge disposal and ocean dumping beyond the estuarine zone.

5. Reduce damage to sensitive environmental areas.

- a. Protect wetlands. Implement aggressively the Section 404 program. Enforce against unpermitted dischargers, expand the use of Advanced Designation for priority wetlands, and take other steps as appropriate.
- b. Address acid deposition and other issues concerning the long range transport of air pollutants. Evaluate damage to lakes and forests through the acid deposition research and analysis program. Complete work with the States on standby regulatory mechanisms to control sources. Evaluate the stratospheric impacts of chlorofluorocarbons (CFCs).

Office of
Air and Radiation

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OFFICE OF AIR AND RADIATION

I. INTRODUCTION

This FY 1987 guidance updates the national strategies, goals, and objectives developed in FY 1986 for the air quality and radiation programs. The guidance also identifies the actions that the Environmental Protection Agency (EPA) and state and local agencies must take in FY 1987 to implement these updated goals and objectives. The FY 1987 guidance is based on overall EPA goals, the Administrator's priority list and six-point management plan, and the President's FY 1987 budget request for EPA.

The FY 1987 guidance for the air quality program and the radiation program consists of three parts. The first part identifies the updated national goals and strategy for each program and summarizes the changes from the FY 1986 strategy for meeting the revised goals.

The second part describes program objectives for each goal and lists the specific actions that must be taken by EPA and by state and local agencies in FY 1987 to carry out the national strategy. Actions are divided into two tiers according to national priorities and projected environmental results. Tier 1 actions are the highest priority, followed by Tier 2. Some actions not listed in either tier may be a high priority at the state or local level, but not at the national level.

In carrying out the actions described in the FY 1987 guidance, EPA will continue to ensure that its air and radiation programs are conducted openly, accurately, and fairly. EPA will use the Communications Strategy Plan process, coordinated by the Office of External Affairs, to inform the public of all major regulatory decisions and actions.

II. STRATEGY FOR THE AIR QUALITY PROGRAM FOR FY 1987

A. Major Program Goals and Objectives

The updated EPA strategy for the national air quality program in FY 1987 is based on five major program goals. These goals are listed below in the general order of priority.

- ° Reduce the risk of exposure to air toxics. EPA will implement a comprehensive national strategy, announced in June 1985, to address the significant public health problem caused by toxic compounds in the air.
- ° Achieve National Ambient Air Quality Standards (NAAQSs) set to protect public health. EPA will place the highest priority on achieving healthful air quality for the 80 million people that

live in 35 major urban areas that will probably not meet the ozone standard by the December 1987 attainment deadline in the Clean Air Act.

- ° Increase the capacity and improve the effectiveness of state and local air quality agencies. EPA will continue to work toward a stronger, more effective partnership with state and local agencies and help them improve their capabilities to address air quality problems.
- ° Determine the policy alternatives and strategy options available to address acid deposition, stratospheric ozone depletion, and indoor air pollution. EPA will provide federal leadership in developing national policies to address these three major environmental problems.
- ° Develop and support programs to maintain improvements in air quality. EPA will carry out national standard-setting and compliance programs to ensure that gains made in improving air quality are not lost.

B. Program Strategy for FY 1987

1. Reduce risk of exposure to air toxics

In FY 1987 EPA will continue to better define the nature and magnitude of the air toxics problem and to develop and strengthen the regulatory options for dealing with the problem. In June 1985 EPA completed a comprehensive national strategy for addressing both routine and accidental releases of air toxics. Also in 1985, EPA began developing a Strategic Planning Initiative that will provide a more detailed multi-year, Agencywide plan for addressing air toxics. One of the objectives in developing the Strategic Planning Initiative is to define the appropriate links between programs for routine and accidental releases in both the near-term and long-term. A second objective is to examine the roles of EPA and state and local agencies in prevention and contingency planning for accidental releases of air toxics. A third objective is to identify the public outreach activities necessary to improve understanding of health effects, risk assessment, and existing law and regulation.

This portion of the Agency Operating Guidance will deal with routine releases of air toxics. Accidental releases are covered in the portion of the guidance prepared by the Office of Solid Waste and Emergency Response. The routine releases portion of the EPA air toxics strategy includes three major elements: an enhanced and refocused federal air toxics control program to address problems that are national in scope, a new program to help state and local governments strengthen their capabilities to deal with air toxics problems within their boundaries, and an expanded effort to devise strategies to reduce risks from multi-media, multi-source pollutants in specific geographic areas.

Federal air toxics program. In FY 1987 EPA will use its authorities under the Clean Air Act and other federal statutes to regulate air toxics. EPA will carry out a more aggressive program for listing and regulating toxic air pollutants under section 112 of the Clean Air Act. In addition to publishing regulatory decisions for 8-12 individual pollutants, EPA will also decide whether to regulate emissions by source category (e.g., incinerator emissions) for sources that emit more than one toxic air pollutant.

In FY 1987 EPA will have National Emission Standards for Hazardous Air Pollutants (NESHAPs) under development for 13 hazardous pollutants, more than in any previous year. EPA will continue to give high priority to administrative, civil, and criminal enforcement of existing NESHAPs for asbestos and vinyl chloride. In FY 1987 EPA also will develop a compliance and enforcement strategy for the benzene NESHAPs.

EPA will use its authorities under Title II of the Clean Air Act to regulate air toxics from motor vehicles and vehicle fuels. In FY 1987 EPA will develop test protocols for assessing the health effects of alternative fuels and fuel additives as part of EPA's fuels and fuel additives registration process. EPA will also given high priority to technology assessments for particulate controls for heavy-duty diesel engines to help ensure that manufacturers meet the technology-forcing standards that start becoming effective with the 1988 model year.

EPA will also regulate air toxics under the Resource Conservation and Recovery Act (RCRA). In FY 1987 EPA will continue development of regulations required by RCRA for controlling toxic air emissions from seven types of hazardous waste treatment, storage, and disposal facilities (TSDFs).

EPA's Regional air programs staff will continue to coordinate with their counterparts in the Regional hazardous waste programs to ensure proper consideration of air quality in the clean-up of Superfund sites and the issuance of RCRA permits.

State and local air toxics program support. In FY 1986 EPA will assist state and local governments in strengthening their existing air toxics programs and in establishing programs where none exist. EPA will provide guidance on the design and implementation of air toxics programs and on technical aspects of programs, such as air sampling, dispersion modeling, and emission inventories. In addition, EPA will provide guidance on how State Implementation Plan (SIP) measures for control of volatile organic compounds (VOCs) and particulate matter can be used to gain additional reductions in air toxics.

In FY 1987 EPA will work with states to complete evaluation and control of the toxic air pollutants and high-risk source categories identified by EPA in FY 1986. EPA will also continue to assist state and local agencies in assessing and controlling other high-risk air toxics sources which they identify. In addition, EPA will help state and local agencies strengthen their overall capabilities to assess and control high-risk sources.

To implement effective air toxics control programs, the staff in some state and local agencies may have to develop new skills and expertise. EPA will assist in staff development by providing technical guidance and workshops and by facilitating the transfer of experience among agencies.

Multi-media, multi-source strategies. EPA currently has underway three studies in Philadelphia, Baltimore, and the Santa Clara Valley of California to learn how best to consider multi-media, multi-source interactions in controlling localized toxics problems.

In FY 1987 EPA will provide state and local agencies with financial and technical support for follow-up studies in 8-10 additional geographic areas.

2. Achieve NAAQSs nationwide

Nationwide, air quality has generally improved as a result of federal technology-based standards for vehicles and stationary sources and the control measures in SIPs. Despite these improvements, air quality in many areas still will not meet the NAAQSs for ozone, carbon monoxide, sulfur dioxide, particulates, or lead in FY 1987.

Ozone reduction. Achieving the NAAQS for ozone is one of EPA's highest priorities. In FY 1986 EPA will develop an aggressive strategy for reducing ozone levels in the areas still remaining nonattainment after 1987. The ozone strategy will not be completed until after the FY 1987 Agency Operating Guidance has been published in March 1986. Supplementary guidance will be necessary. In general, the strategy will consist of three elements: make existing programs work, require new and tougher controls, and implement a "reasonable extra efforts" program.

Make existing programs work. EPA will give high priority to correcting deficient regulations in ozone SIPs, fully implementing stationary and mobile source controls already included in ozone SIPs, expanding compliance efforts to cover additional and smaller VOC sources, and tracking progress in improving ozone levels and reducing VOC emissions. EPA will increase the number of vehicle inspection and maintenance (I/M) programs audited in FY 1987. EPA will also aggressively implement its vehicle recall program, emphasizing excessive exhaust and evaporative hydrocarbon emissions. In addition, EPA is considering a VOC compliance initiative that would include more comprehensive inspections of VOC sources, with appropriate enforcement follow-up, in nonattainment areas.

Require new and tougher controls. EPA will tighten control of vehicle refueling and evaporative emission losses and heavy-duty exhaust emissions. States may also have to adopt and implement new SIP measures, as well as tighten existing emission limits and operating requirements and enhance existing I/M programs.

Implement a reasonable extra efforts program. As part of the ozone strategy, EPA is considering applying the reasonable extra efforts approach, developed by Region IX, to the worst ozone areas in other parts of the country. The program includes more intensive evaluation of the adequacy of existing control measures and the identification and testing of new measures.

New SIPs for particulates. In addition to focusing on reducing ozone levels in FY 1987, EPA will also emphasize support to states developing SIPs to attain the revised NAAQS for size-specific particulate matter (PM₁₀). Approximately 100 areas will probably not meet the revised standard, now scheduled for promulgation in mid-FY 1987. The population for these areas totals about 20 million people. EPA will give highest priority to the PM₁₀ nonattainment areas with the most severe problems. States must submit full SIPs for these areas within nine months of the promulgation of the standards.

Other pollutants. Although the extent of nonattainment for the ozone and PM₁₀ NAAQSs is the most widespread nationwide, there are areas which experience severe violations of other NAAQSs, particular the standards for carbon monoxide and sulfur dioxide. In these areas EPA will work with states to correct SIP deficiencies contributing to the violations and develop any additional control measures necessary.

3. Strengthen state and local programs

EPA will continue to support state and local air pollution control programs by identifying obstacles to program effectiveness, providing direct program assistance, facilitating information exchange, and maintaining national monitoring and data management systems. EPA will also continue active outreach and liaison with Indian Tribes, assisting them in identifying and characterizing air quality problems on Indian Reservations and supporting Tribal governments in developing programs for dealing with these problems.

State and local program assessments. The National Air Audit System, used to identify obstacles to state and local control agency effectiveness and to help EPA define more efficient and meaningful national programs, will continue on the biennial cycle begun in FY 1986. During FY 1987, state and key local agencies, with the support of EPA Regional Offices, will initiate the actions necessary to address the major problems identified by the FY 1986 audits. In providing support, EPA will give priority to problems that adversely affect state and local programs for reducing ozone levels and addressing air toxics.

State and local financial support. EPA will continue to provide financial support to state and local agencies through the section 105 grants program. EPA will also continue to carry out the performance-based grants policy signed by the Administrator in May 1985. In implementing the policy, EPA will involve state and local agencies in setting national priorities and determining the allocation of grant funds to support these priorities.

Monitoring air quality. EPA will continue to support the collection of accurate and complete air quality data through the operation of the National Air Monitoring System (NAMS) and State and Local Air Monitoring System (SLAMS) networks. During FY 1987 EPA will begin the operation of the air quality element of the Aerometric Information Retrieval System (AIRS). As the air quality element of AIRS becomes operational, EPA will assist state and local agencies in gaining direct access to the system.

4. Address acid deposition, stratospheric ozone depletion, and indoor air pollution

Acid deposition. In FY 1987 EPA will carry out an acid deposition program that includes accelerated research and analyses of policy and implementation issues. The EPA Office of Research and Development (ORD) will continue to develop the scientific and technical information required to respond to policy issues. The Office of Air and Radiation (OAR) will insure that research efforts are focused on policy information needs and will review new research results for their policy implications. EPA will continue in FY 1987 to identify and resolve possible implementation issues through the State Acid Rain (STAR) program.

Stratospheric ozone depletion. Section 157 of the Clean Air Act requires EPA to issue regulations to reduce chlorofluorocarbon (CFC) emissions if the Administrator of EPA determines that the emissions endanger public health and the environment. In response to a suit brought by the Natural Resources Defense Council, EPA developed and adopted a comprehensive CFC action strategy in FY 1985. To carry out this strategy, EPA will focus during FY 1986 on developing a national and international consensus on the nature and magnitude of the CFC problem. In FY 1987 EPA will announce a decision on the need for regulatory actions to control CFCs.

Indoor air pollution. Research by EPA and others indicates that health risks result from indoor exposure to air pollutants, as well as ambient exposures. Some of the risks associated with indoor air pollution may be substantial. Although more research is needed to better characterize the contribution of indoor air pollution to adverse health effects, EPA will begin in FY 1987 to analyze the policy issues associated with addressing the problem. EPA will examine how existing EPA programs can be adjusted to reduce total exposure, indoor and ambient, to unhealthy air quality.

5. Maintain improvements in air quality

New Source Performance Standards. The establishment and review of technology-based New Source Performance Standards (NSPSs) are important elements of the national program to prevent air quality problems from new sources by setting baseline controls for major source categories. In FY 1987 EPA will continue to give priority to developing standards for each source category on the NSPS priority list.

Continuous compliance programs. In FY 1987 EPA will continue to give priority to improving the effectiveness of EPA and state compliance monitoring inspections. EPA will support application of the Model Surveillance Targeting Program, completed in FY 1986, to provide more systematic and efficient inspection programs. EPA will also continue to actively promote the integration of continuous emissions monitoring (CEM) into the continuous compliance program. During FY 1987 EPA will complete guidance for addressing malfunctions of control equipment and process operations.

Visibility plans. In FY 1987 EPA will complete promulgation of SIPs to protect visibility in pristine areas of those 34 states that did not prepare their own plans.

III. GUIDANCE FOR THE AIR QUALITY PROGRAM

A. Program Goal: Reduce risk of exposure to toxic air pollutants

The program objectives for this goal are based on the Air Toxics Strategy (as it applies to routine releases) announced in June 1985. One of the Agency's Strategic Planning Initiatives involves air toxics and is being directed by OAR. Results of this effort are expected in FY 1986 and may alter some of the activities outlined in this guidance.

1. Program objectives: Accelerate national regulations;
enforce existing requirements.

Actions for meeting these objectives fall in two categories:

- ° Implementation of section 112 of the Clean Air Act, including publication of decisions on whether to regulate pollutants or source categories.
- ° Use of federal authorities other than section 112 to regulate air toxics, including air toxics from vehicle emissions and fuels and from hazardous waste TSDFs.

Implement section 112. EPA will continue to list pollutants and establish standards under section 112. In FY 1987 EPA will publish regulatory decisions for 8-12 potential hazardous air pollutants and identify those requiring nationwide regulation

through NESHAPs. Decisions on whether to list the emissions of certain source categories (e.g., incinerator emissions) under section 112 will begin to be issued in FY 1987. These decisions will result from a study to be completed in late FY 1986 on the risks caused by sources that emit more than one toxic air pollutant. The EPA will also continue the development of data bases, risk assessments, and listing decisions for other candidate compounds.

To assist in the identification and assessment of potentially toxic air pollutants, ORD will develop and/or evaluate additional monitoring methods; provide toxics air monitoring information through an expansion of the Toxics Air Monitoring System (TAMS); test individual pollutants and mixtures for a number of health endpoints; and develop biological test methods to quickly identify air toxics that cause the greatest health risk.

In FY 1987 EPA will propose changes to the current NESHAPs for asbestos and promulgate NESHAPs for benzene and coke oven emissions. NESHAPs development will be underway for 13 pollutants, including 10 pollutants for which Intent to List decisions were published in 1985. Proposals for a number of these NESHAPs will occur in FY 1988. The research program will continue to develop more efficient and cost-effective control technologies for air toxics, particularly VOCs.

In implementing existing NESHAPs, EPA and states will give priority to implementing the enforcement strategies for vinyl chloride and asbestos demolition and renovation. EPA and states have also agreed to extend the EPA guidance on timely and appropriate enforcement response to NESHAPs sources in FY 1987. This will include both resolving violations promptly and obtaining an appropriate penalty. In addition, in FY 1987 EPA will complete the development of a compliance and enforcement strategy for the benzene NESHAPs.

Regions will identify and refer to the Office of Criminal Investigations (OCI) information relevant to enforcement of knowing violations of NESHAPs and will provide technical support for cases reflecting program priorities. OCI and program personnel will communicate (within limitations of the law) concerning the general status of investigations, available enforcement options, anticipated resource requirements, and other matters of similar managerial significance.

EPA will also conduct a pilot project to determine whether intensive inspections of sources subject to current regulations for particulate matter and VOCs can result in significant reductions in air toxics.

Use other federal authorities. The Air Toxics Strategy commits the Agency to increased use of federal authorities in addition to section 112. EPA will use other sections of the Clean Air Act to control air toxics. For example, EPA will use the

provisions of Title II of the Act to reduce air toxics from vehicle emissions and fuels. EPA will also emphasize implementation of provisions of the Act which indirectly reduce air toxics. For example, an NSPS for wood stove emissions that will be proposed in FY 1987 will reduce particulate emissions, some of which are toxic. Similarly, EPA will promulgate an NSPS for industrial boilers in FY 1987 that will apply to municipal waste combustors and reduce particulate emissions with potentially toxic components.

EPA will also use federal statutes other than the Clean air Act to control air toxics. For example, in late FY 1987 or early FY 1988 the air program will propose, under RCRA, regulations for toxic air emissions from seven types of hazardous waste TSDFs. In early FY 1987, EPA will complete a comprehensive assessment of the regulatory authorities for controlling sources of methylene chloride and will develop regulations as appropriate under the Clean Air Act; the Toxic Substances Control Act (TSCA); the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); and the Safe Drinking Water Act (SDWA). Similar studies are anticipated for other pollutants in FY 1987.

Control vehicle emissions and fuels. EPA expects the introduction of a large number of vehicle fuel additives in response to the phasedown of lead in gasoline. EPA also expects an increasingly variable composition of all fuels due to a changing marketplace. EPA will strengthen its registration of fuels and additives and will develop test protocols for assessing the health effects of alternative fuels and fuel additives prior to registration, as mandated by the Clean Air Act. The enhanced fuels registration program will lead to rulemaking to control toxic fuels and additives.

Lead phasedown presents a special problem to the owners of vehicles which were designed to operate with leaded gasoline and which have operating cycles different from those of cars and trucks (e.g., farm equipment, antique cars, boats, off-highway vehicles). If the lead phasedown program is to be sustained and/or a lead ban adopted, the needs of these vehicle owners must be taken into account without creating a new market for leaded fuel. Phasing down lead use could be subverted by the existence of this market for leaded fuel. EPA will study the effects on existing engines of lead phasedown and the use of alternative valve lubricants, and will take appropriate regulatory action.

EPA will continue the aggressive enforcement program started in FY 1986 to ensure that the required reductions in the lead content of gasoline take place and that all fuels marketed meet the requirements of registration, waivers, and fuels regulations.

Diesel particulates constitute an important contributor to air toxicity. The "six-month" study prepared by EPA attributes approximately half of the air toxic health effects to mobile sources. A significant portion of these effects result from diesel particulates. The recently promulgated rule for the control

of diesel particulate emissions is expected to reduce the annual incidence of cancer from this source by as much as 400 cases per year. In addition, diesel particulate can act as the carrier to the deep lung of substances formed or accreted in the air since these particles remain suspended for long periods. Control of this air toxic can be achieved with emission standards (which will force the development of new technology) and fuel composition regulations.

EPA will concentrate on technology assessment work to assure that manufacturers meet the technology-forcing standards already in place. The standards will present significant technological challenges to engine manufacturers. The effectiveness of control is predicated on the adoption of as yet undeveloped technology. The standards are effective with the 1988 model year and are tightened in 1991 and 1994. Manufacturers do not appear to be engaged in active research programs for meeting the standards. EPA must make sure that manufacturers either adapt technology applied to light-duty vehicles or change to cleaner fuels (e.g., methanol) to comply with the emission standards.

EPA will also monitor diesel fuel composition and develop regulatory approaches to assure adequate control. The quantity and toxicity of diesel particulates is affected by fuel quality. Manufacturers have stated that trap technology cannot be adapted to control particulate emissions at the levels required by the standards with sulfur in diesel fuel at current levels. To achieve the expected reduction in the annual incidence of cancer from diesels by as much as 400 cases per year, it may be necessary to control the composition of diesel fuel. Control of sulfur, aromatics, and heavy components of diesel fuel can directly reduce particulates emitted by about half. Conversely, increases in these substances in fuel can increase emissions of particulates.

Another significant contributor to air toxics is direct evaporative hydrocarbon emissions, which involve a wide range of potentially harmful substances. Extension of known controls to the degree necessary to reduce these hazards is a high priority. Evaporative emissions control rules will be developed and implemented. Special attention will be given to recalling cars and trucks with excessive evaporative emissions.

Research attention will be turned to the study of unregulated toxic emissions from vehicles and the possibility that winter temperatures affect the character of automobile emissions.

2. Program Objective: Establish and support effective state and local programs in defining and addressing toxic air pollutant problems.

The EPA in its air toxics strategy has formally recognized the importance of effective state and local programs. These programs are necessary to address a diverse and complex health concern which is often area specific. In addition, strong state and local

programs complement the national standard setting process by ensuring effective enforcement and by providing useful feedback regarding the implementation of current standards and the potential need for future standards.

In order to encourage further development of state and local air toxics control programs, the Administrator established a goal to have operative air toxics programs in all states by the end of FY 1986. For purposes of FY 1986 program development where there are no existing programs, state and local agencies may develop and submit a multi-year plan for developing their air toxics programs. Additional development of these plans and progress in implementing them will occur during FY 1987. The activities to enhance state and local programs also apply to existing programs as well. In FY 1987 EPA will promote improvements for these programs in several areas, such as expanding program coverage to include more aspects of air toxics problems.

There are four principal ways that EPA will support the further development and implementation of state and local air toxics programs in FY 1987. These are:

- (1) Technical Assistance. The EPA will again provide technical assistance in several ways to evolving state and local air toxic programs. First, EPA will continue to operate its air toxics clearinghouse which allows states to share much of their program design and implementation experience with one another. The EPA will also continue to provide a considerable amount of case-specific assistance upon request by state and local agencies in their efforts to design and implement effective programs.

EPA will take several actions to enhance the technical and scientific bases for program development and implementation by providing additional guidance on ambient sampling, including quality assurance, and on emissions factors and emissions inventories. EPA will also provide limited guidance and assistance for dispersion modeling. In addition, EPA will assist states in issuing permits for regulating toxic emissions from new municipal waste combustors by publishing documents which identify the lowest emission levels of organic compounds (including dioxin), metals, acid gases, and particulate matter. The documents will describe feed characteristics, operating characteristics, and control techniques associated with such levels. Finally, EPA will work with states to improve their technical capabilities in order to implement their air toxics programs.

- (2) Program Grants and Example Programs. Substantial FY 1987 grant dollars will be allocated for building state and local programs. Detailed descriptions of successful example programs beyond those documented in FY 1986 will be prepared, and some additional workshops will be conducted to assist

state and local agencies in the efforts to build upon their current program. A state and local working group established in FY 1986 will continue to define and set priorities among state and local program needs and evaluate which practices have been most effective in accomplishing risk reduction. These actions will continue the FY 1986 efforts to stimulate and guide further state and local program development using the collective wisdom gained from experience to date.

- (3) High-Risk Point Sources. EPA will work with states to improve their capabilities to routinely address exposures from point sources of toxic air pollutants which cause high individual health risks, but which are not appropriate for federal regulation. In FY 1987 EPA and states activities will continue to focus on pollutants and source categories identified in FY 1986. EPA will provide guidance documents and conduct workshops to help states address selected source categories associated with high individual risks.
- (4) SIP Development and Enforcement. Historically, implementation of state plans for the attainment of NAAQSs has been the most effective air quality management tool to reduce the risk of adverse health effects from toxic air pollutants. In FY 1987 EPA will help identify and support SIP activities that also reduce air toxics emissions.

3. Program objectives: Identify geographic area problems;
determine intermedia approaches to
control under existing authorities.

In FY 1987 EPA will support, through program grants and technical assistance, state initiatives for the first phase of a two-year program to prepare comprehensive air toxics inventories and analyze exposures and risks in 8-10 geographic areas with significant multiple source and pollutant interactions. Several of the activities discussed in the above program objectives (e.g., expansion of the TAMS, guidance on ambient monitoring, modeling, emission factors and emission inventories) will be of great use in implementing the geographic program.

OAR and the Regions and states will coordinate and provide input to the geographic activities being implemented by the Office of Policy and Program Evaluation (OPPE). These activities include reports on the multi-media studies being conducted in the Santa Clara Valley and Baltimore; follow-up work in Philadelphia, and Phase I reports on one to two new multi-media study areas initiated in FY 1986.

Key FY 1987 Headquarters Actions to Implement Program Goal

Tier 1 Actions:

- (1) Continue pollutant assessment and evaluation program. Publish regulatory decisions for 8-12 potential hazardous air pollutants. Publish decisions on whether to regulate source categories that emit multiple air toxics.
- (2) Promulgate NESHAPs for coke oven emissions (charging topside and doors) and benzene (coke by-product plants) and propose revisions to current asbestos NESHAPs.
- (3) Continue to develop NESHAPs for 13 pollutants.
- (4) Publish documents which identify the lowest emission levels of toxic pollutants from municipal waste combustors. (OAR, OSWER, ORD)
- (5) Develop and promote improved asbestos demolition and renovation techniques.
- (6) Develop a compliance and enforcement strategy for the benzene NESHAPs.
- (7) Develop rules requiring the testing of vehicle fuels and additives combustion products for human health effects (using bioassays). Publish an Advance Notice of Proposed Rulemaking in August 1987.
- (8) Implement an aggressive program for registration of vehicle fuels and additives. Provide for improved access and analysis of data on the composition and concentration of fuels and additives. Issue rules to control substances and fuels found to present environmental problems.
- (9) Ensure that manufacturers meet the already promulgated diesel particulate standards through an aggressive program of technology assessment and compliance program resolution.
- (10) Set and enforce additional rules, such as fuel composition rules, for effective control of particulate emissions from vehicles.
- (11) Actively and aggressively enforce vehicle fuel composition regulations already in effect.
- (12) Continue development of regulations under RCRA to control air toxics emissions from seven types of TSDFs: surface impoundments, landfills, storage tanks, waste piles, land treatment facilities, containers, and transfer operations. Propose regulations in late FY 1987 or early FY 1988.

- (13) Propose an NSPS for residential wood stoves; initiate development of a compliance strategy for the wood stoves NSPS.
- (14) Expand TAMS. Provide TAMS data on the presence and concentrations of hazardous air pollutants. (ORD)
- (15) Develop and operate mechanisms (e.g., working groups and national workshops) to focus, share, and expand the implementation experience (including example programs and practices) in order to promote development of effective state and local air toxics programs.
- (16) Develop and implement procedures for providing oversight of Regional and state and local activities for developing air toxics programs in all states. Issue national report summarizing status of air toxics programs.
- (17) Continue operation of the air toxics clearinghouse, providing a primary referral service for obtaining information and expertise on hazardous air pollution sources, emissions, control technology, health effects, exposure, and ambient concentrations.
- (18) Assist state and local agencies in assessing and regulating air toxics sources, or source categories which result in high individual health risks, but which are not appropriate for federal regulation. Issue guidance and conduct workshops to help state and local agencies address specific problems and improve their overall capabilities to address high-risk sources.
- (19) Develop guidance to optimize current VOC and particulate matter programs and control measures which also reduce air toxics emissions. Consider adopting SIP control policies which would concurrently make effective reductions in both air toxics and the relevant criteria pollutant(s).
- (20) Issue final report on Santa Clara and Baltimore studies. (OPPE)
- (21) Issue Phase I reports on one to two new multi-media site studies initiated in FY 1986. (OPPE)
- (22) Provide guidance on developing regulatory programs for dealing with multi-source, multi-pollutant problem areas.
- (23) Respond to requests from Regional Offices and state and local agencies for: (a) information on health, exposure, and control technology for specific toxic pollutants; (b) support regarding general program development and control strategy options; and (c) assistance in evaluating and mitigating specific local problems. (OAR and ORD)

(24) Enhance the scientific basis for program development and implementation by:

(a) Continuing the development of ambient measurement methods for hazardous air pollutants. Provide guidance on sampling and quality assurance to facilitate the establishment and/or upgrading of state and local monitoring programs to better define air toxics problems. (ORD)

(b) Issuing guidance on ambient sampling and emission inventories of air toxic pollutants. Provide technical assistance to Regional Offices and state and local agencies.

(c) Updating guidance on VOC speciation to include toxic constituents.

(d) Developing emission factors and source characterization information for 8-10 substances.

Tier 2 Actions:

- (1) Complete report comparing the geographic variability of the air toxics problems for a large number of counties. (OPPE)
- (2) Update the monitoring strategy for toxic air pollutants.
- (3) Issue summary report on available air quality data for air toxics.

Key FY 1987 Regional Office and State Actions to Implement Program Goal

Tier 1 Actions:

- (1) Provide oversight to ensure states implement commitments for developing air toxics programs in all states. (Regions)
- (2) Provide guidance and assist state and local programs assessing and regulating local air toxics problems, including the specific pollutants and source categories identified in FY 1986. Provide periodic information and reports concerning state and local activities, including the status of program development and specific regulatory actions. (Regions)
- (3) Develop and implement programs for assessing and regulating, if necessary, emissions of toxic air pollutants from high-risk point sources and source categories which are not appropriate for federal regulation. Initiate efforts to enhance overall program capabilities to routinely address high-risk sources. (States)

- (4) Give special enforcement attention to VOC and particulate matter sources in areas where emission reductions can significantly reduce potential air toxics problems. (States/Regions)
- (5) Implement agreements for developing state and local air toxics programs. (States)
- (6) Ensure compliance with NESHAPs, in accordance with the timely and appropriate guidance. Implement EPA's enforcement strategies for vinyl chloride and asbestos demolition and renovation. (States/Regions)
- (7) Promote improved asbestos demolition inspection and violation detection techniques and encourage delegation of NESHAPs to additional states. (Regions)
- (8) For selected Regional Offices, implement an intensive inspection program directed at sources that contribute to air toxic "hot spots." (Regions)
- (9) Provide assistance to state initiatives to prepare comprehensive air toxics emission inventories and analyses of exposures and risks in 8-10 geographic areas. (Regions)
- (10) Initiate analyses of emissions and risks for multi-source, multi-pollutant problems in 8-10 geographic areas. Begin development of control programs, as necessary, to address problems identified by existing special studies in Philadelphia, Baltimore, the Santa Clara Valley, and the Kanawha Valley. (States)
- (11) Provide timely information and updates to the Air Toxics Clearinghouse regarding state and local activities, helping to maintain effective and current clearinghouse operation. (States)
- (12) In developing SIP revisions for new PM₁₀ standards and additional VOC measures in ozone nonattainment areas, give priority to control measures that also reduce air toxics emissions. (States)

Tier 2 Actions:

- (1) Where ambient data on VOCs are routinely collected, submit to EPA raw data or summaries of such data collected since 1980. (States)

B. Program Goal: Achieve NAAQSs in areas currently not meeting health related standards.

1. Program objectives: Correct ozone deficiencies, fully implement existing SIP requirements, and address post-1987 ozone nonattainment problems.

In 1987 EPA will continue to give top priority to programs for the development and implementation of SIPs necessary for the attainment of the NAAQS for ozone. This involves the continuation or completion of three major sets of activities. The first is the continuation of the post-1982 policy for the identification and correction of deficient SIPs necessary for the attainment of the standard. The second is the implementation by states of the various stationary and mobile source controls committed within the approved SIPs for achieving the standard. The third is the completion of the strategy and policies for addressing nonattainment problems in areas which are not likely to attain by the statutory 1987 attainment date.

The ozone nonattainment areas, which will be the focus of EPA and state efforts during FY 1987, include both those where states requested and received extensions to 1987 and those where states did not receive extensions, but have subsequently been notified by EPA during FY 1984 and FY 1985 of SIP deficiencies requiring modifications and corrections. Corrective SIPs have been approved for most of the extension areas, but deficiencies continue in some areas requiring further state actions and approval by EPA. In FY 1987 states will also continue to correct SIPs for any newly identified ozone nonattainment areas where notifications of SIP deficiencies have been provided by EPA.

SIPs approved by EPA, both within the extension areas and areas where notifications of SIP deficiencies had been issued, contain commitments to implement regulations and regulatory programs which are essential to the attainment of the NAAQS. During FY 1987 EPA and state attention will focus on completing fully remaining commitments for implementing these regulations and programs (including required adoption by appropriate governmental bodies) consistent with national policy, guidelines, and schedules committed in the SIPs. In 1987 EPA Regional Offices and states will review and document progress toward meeting the NAAQS within the ozone nonattainment areas.

EPA, through the efforts of an Ozone Task Force, is currently formulating a major strategy for future ozone controls in areas not demonstrating attainment by the end of 1987. This strategy is expected to be completed by the end of FY 1986. This new strategy will enhance and build upon the existing strategy applicable to both the extension areas and the post-1982 areas.

The strategy will accelerate progress toward attainment in areas with the more severe nonattainment problems. The strategy is

expected to require the adoption and implementation of new and additional measures as well as the enhancement of existing control efforts. The additional measures are expected to address both short-term and long-term actions with the number and type related to the severity of the nonattainment problem. The implementation of a reasonable extra efforts program similar to the program being piloted in Region IX is being considered as a key element of the new strategy for the particularly severe nonattainment areas. Many of the new and additional measures required to reduce VOC emissions will more directly affect the general public. More extensive outreach programs will be needed to improve public understanding of the adverse health effects of ozone and the need for additional actions.

A schedule for the implementation of the new strategy will also be prepared by the end of FY 1986. The completion of the strategy and the schedule for its implementation will likely require specific EPA and state actions during FY 1987. Additional guidance is anticipated to be needed at that time to more clearly define the necessary activities and expectations for the Regional Offices and states during FY 1987. Accompanying the strategy will be guidelines concerning expanded monitoring programs and updates/revisions to emissions inventories which will need to be undertaken in FY 1987 and beyond in support of the new strategy and application of specific measures.

Important to the new strategy is a more complete and credible scientific basis for implementing additional ozone control measures. Toward that end, several studies will be undertaken by ORD to develop, evaluate, and test both monitors and modeling techniques, and to improve source control technologies.

2. Program Objective: Implement key elements of the air compliance program.

In FY 1987 EPA will give priority to three elements of the air compliance program: the timely and appropriate guidance, the Post-1982 Enforcement Policy, and the guidance that will be developed in FY 1986 on defining a federally reportable violation. Together, these key elements determine which violations are to be reported to EPA, identify the relative roles and responsibilities of EPA and state and local agencies in returning significant violators to compliance, and establish important policy guidance for the compliance programs.

Regions will identify and refer to OCI information relevant to enforcement of knowing SIP violations and knowing false submission of information under the Clean Air Act (subject to criminal enforcement), and provide technical support for cases reflecting program priorities. OCI and program personnel will communicate (within limitations imposed by law) concerning the general status of investigations, available enforcement options, anticipated resource requirements or other matters of similar managerial significance.

A major effort and the principal focus of the air compliance program in FY 1987 is compliance monitoring and enforcement for VOC sources in ozone nonattainment areas. Emphasis will be on identifying and addressing significant violators of VOC emission requirements. During FY 1986, EPA will develop a strategy addressing selected Class B VOC violators located in ozone nonattainment areas. Implementation of this strategy will begin in FY 1987 and will include developing inventories of Class B VOC sources that impact ozone nonattainment areas, targeting many of these sources for inspection, and conducting appropriate follow-up enforcement actions.

As noted in the objective above, EPA has established an Ozone Task Force to assess continuing ozone nonattainment problems and to prepare a strategy for addressing problems within the more severe nonattainment areas. The Task Force is considering as part of the strategy an initiative to enhance the VOC compliance program. In part, this initiative would involve an intensified overview program with more comprehensive inspections of VOC sources in selected ozone nonattainment areas and appropriate enforcement follow-up.

Also, EPA will ensure that federal facilities meeting emission limits remain in compliance and that the relatively few violating facilities are returned to compliance. Federal facilities will be inspected and provided with technical assistance, as needed, in accordance with the revised guidance from the Office of Federal Activities.

c. Program Objective: Maintain an effective nationwide motor vehicle emission control program

The federal motor vehicle pollution control program is a key element in the strategy for achieving and maintaining primary NAAQSs. Large parts of the population of the United States will remain subject to unhealthful levels of ozone and carbon monoxide even in the early 1990's without additional emissions controls. Motor vehicles account for essentially all controllable emissions of carbon monoxide and are the logical source for achieving emission reductions. They also represent the source with the greatest potential for the next increment in cost-effective emissions control related to ozone. Control of the growth of emissions of nitrogen oxides is also very cost-effective when controls are applied to motor vehicles, especially the sources that are less stringently controlled such as trucks and buses.

In FY 1987 the motor vehicle pollution control program will give priority to controlling heavy-duty engine emissions to levels comparable in stringency to those for automobiles and to ensuring, through technology monitoring, support of state I/M and anti-tampering/fuel switching programs and, through rigorous federal enforcement, continued compliance by vehicles in-use with the standards that they were designed to meet. Certain actions taken for the control of toxic air pollutants are expected to bolster

the attainment of the NAAQSs. Examples are the control of evaporative hydrocarbons (which may have direct toxic effects and are ozone precursors) and lead (lead in gasoline destroys emission control systems, has a large range of direct health effects, and its control directly contributes to the attainment of the primary NAAQS for lead).

Two exhaust emission standards become effective during FY 1987: lower hydrocarbon and carbon monoxide standards for light heavy-duty engines and more stringent diesel particulate standards for light-duty vehicles. The selective enforcement audit program, which assures that newly produced vehicles and engines meet standards, will be directed toward determining compliance with these emission requirements. Furthermore, the recall program will test heavy-duty engines from in-use vehicles for the first time in FY 1987. These engines were required to comply with tighter hydrocarbon and carbon monoxide standards in FY 1985 and will have accumulated sufficient mileage by FY 1987 to enable EPA to assess whether significant emission deterioration is occurring in-use.

Federal efforts alone cannot effectively address continued vehicle compliance. Control of factors related to vehicle and fuel use are within the purview of state and local governments. To ensure that the considerable national investment in motor vehicle pollution control is not squandered by a minority of uninformed or irresponsible individuals, state and local governments must maintain effective I/M programs, establish additional anti-tampering/fuel switching programs, and improve the operation and enhance the effectiveness of the programs already in place.

Research in FY 1987 will focus on developing more information on the impact of toxic mobile source emissions on the formation of ozone. Methanol is a promising alternative fuel for motor vehicles and may offer the added benefit of reducing ambient ozone levels. To test this, a smog chamber is being developed and a study will be done to compare the effects of gasoline and methanol combustion on ozone formation.

4. Program objective: Complete SIPs to meet the revised NAAQS for PM₁₀.

EPA will promulgate the NAAQS for PM₁₀ in mid-FY 1987 and issue the final implementation guidance for state development of PM₁₀ SIPs. The actions that states must take will depend upon the severity of the PM₁₀ problem. Areas are divided into three groups, with Group I being the most polluted and Group III being the least. States will need to continue to (1) expand their PM₁₀ monitoring activities in FY 1987 consistent with national guidance focusing on Group I areas; (2) initiate efforts to modify their permit systems for new or modified sources to account for the revised PM₁₀ NAAQS; and (3) begin development of PM₁₀ emission inventories, upgrading and converting total suspended particulate (TSP)

inventories as necessary, to enable them to assess the impacts of new sources subject to preconstruction review, and to have the data available for PM₁₀ control strategies, if required.

In Group I areas, based on guidance from EPA, states will also need to (1) begin dispersion and receptor modeling to identify and evaluate source contributions to PM₁₀ air quality levels, (2) prepare control strategies to attain the PM₁₀ NAAQS, and (3) initiate development of PM₁₀ SIPs.

Looking beyond PM₁₀, ORD will continue studies for fine particulates, soiling, and visibility impairment. Specific efforts will be undertaken to develop, evaluate, or refine urban scale particulate, fine particulate, and visibility models.

5. Program objective: Ensure that NAAQSs are based on accurate, up-to-date information.

In FY 1987 EPA will promulgate revised or reaffirmed NAAQSs for PM₁₀ and for sulfur oxides. In addition, EPA will propose revised or reaffirmed standards for lead. Depending on the results of ongoing studies on carbon monoxide and nitrogen dioxide, scheduled for completion by January 1987, EPA may initiate accelerated reviews of the NAAQSs for these pollutants. The review of the ozone NAAQSs will be nearing completion, with a proposed revision or reaffirmation scheduled for FY 1988.

The research program will continue to conduct health effects research for all of the NAAQSs pollutants. Studies will involve epidemiology, controlled human (clinical) studies, and animal experiments. Studies on particulate matter will involve specific fractions such as acid aerosols.

Key FY 1987 Headquarters Actions to Implement Program Goal

Tier 1 Actions:

- (1) Ensure timely and consistent implementation of EPA policy and guidance for achieving NAAQSs in post-1982 nonattainment areas and for complying with the litigation settlement for completion/promulgation of required lead SIPs in remaining states.
- (2) Provide, consistent with EPA policies and procedures, timely review and final rulemaking for state-submitted (and Regional Office-reviewed) corrections to deficient SIPs, state-submitted regulations and programs required for attainment of standards and, where necessary, Regional Office prepared promulgations for implementing requirements of litigation settlements.

- (3) Continue to support the development and implementation of effective and consistent state and local regulations for control of VOC emissions by updating and maintaining the VOC Clearinghouse and providing periodic reports to the Regional Offices and the states. Assist in resolving specific policy and technical issues which impact the regulation of key VOC sources and source categories.
- (4) Complete necessary guidance for implementing the new ozone strategy and ensure timely and consistent implementation of those strategy elements requiring Regional Office and state actions during FY 1987.
- (5) Evaluate and ensure consistent implementation of the timely and appropriate guidance, guidance on defining a federally reportable violation, and the Post-1982 Enforcement Policy. Revise national guidance as necessary.
- (6) Manage the Compliance Data System. Continue to inventory VOC sources emphasizing the identification of Class B VOC sources that contribute to ozone nonattainment.
- (7) Set and enforce standards for vehicle fuel characteristics related to evaporative emissions.
- (8) Operate aggressive mobile source enforcement and technology assessment efforts to make sure that evaporative emission standards are met by in-use vehicles.
- (9) Reduce hydrocarbon emissions through improvements and enhancements in state and local I/M programs. Audit state and local programs and provide appropriate assistance to resolve problems, including technical assessments and effectiveness of I/M for newer technology vehicles.
- (10) Enforce heavy-duty vehicle emission standards through an aggressive recall program.
- (11) Monitor and assist, via the Regional Offices, state progress in developing SIPs required to meet the PM₁₀ standard.
- (12) Provide guidance and training on the application of various receptor modeling techniques for PM₁₀ SIPs. Complete development of example applications, provide PM₁₀ dispersion modeling techniques, and disseminate guidance.
- (13) Issue emission factor reports on remaining PM₁₀ source categories addressed by the program developed jointly with ORD and provide consultation concerning the derivation and use of the reports.

- (14) Provide management and technical consultation to Regional Offices and states for operation and continued refinement of the PM₁₀ networks needed to develop SIP data bases. (OAR) Determine precision and accuracy of PM₁₀ monitoring methods and provide technology transfer on operations and maintenance of PM₁₀ samplers. (ORD)
- (15) Promulgate revised or reaffirmed NAAQSs for PM₁₀ and for sulfur dioxide.
- (16) Propose revised or reaffirmed NAAQSs for lead.

Tier 2 Actions:

- (1) Conduct research to improve the accuracy of ozone air quality model predictions and to incorporate improved scientific knowledge into existing urban and regional scale models. (ORD)
- (2) Develop a simplified method for measuring nonmethane organic compounds in ambient air for use by state and local agencies. Conduct studies to determine optimal numbers and site locations for nonmethane organic compounds and nitrogen oxides monitors for providing city-specific input data for the EKMA model. Operate a nationwide standard reference photometer network assisting state agencies. (ORD)
- (3) Conduct additional research into VOC control technologies to improve the state of the art in reducing VOC emissions. (ORD)
- (4) Assist Regional Offices and states in reviewing current ambient ozone monitoring networks. Manage the program for monitoring nonmethane organic compounds in ozone nonattainment areas. Support analyses to obtain improved data necessary for development of required SIPs and revisions. Promote national oversight of Regional Office and state planning for enhancing ozone networks.
- (5) Develop and improve emission factors for VOC sources for use in emission inventories and photochemical modeling. (ORD/OAR) Prepare guidance for the preparation of area source inventories of VOC emissions. (OAR) Develop a VOC point source model for reviewing new sources in urban and rural nonattainment areas. (ORD)
- (6) Provide guidance and software for the application of empirical and grid ozone models, incorporating improved scientific knowledge as it is developed, where these models are employed by states in developing control strategies for ozone attainment.
- (7) Evaluate Regional air compliance programs, focusing on activities and programs directed at ozone nonattainment problems.

- (8) Provide technical support to the Regional Offices for nationally significant cases.
- (9) Provide technical support to the Regional Offices and states for VOC compliance problems.

Key FY 1987 Regional Office and State Actions to Implement Program Goal

Tier 1 Actions:

- (1) Implement EPA policy and guidance for the correction and implementation of SIPs in post-1982 nonattainment areas and for meeting provisions of the litigation settlement for completion/promulgation of required lead SIPs in remaining states. Remedy as expeditiously as possible deficient SIPs and address newly identified violations of the NAAQSs. (States/ Regions)
- (2) Implement the stationary and mobile source controls contained within approved SIPs for ozone nonattainment areas, including the adoption of additionally required regulations consistent with Reasonably Available Control Technology (RACT) for Group III and non control-technique guideline (CTG) VOC sources. (States)
- (3) Audit state and local I/M programs and provide appropriate assistance to resolve problems. (Regions)
- (4) Closely monitor state implementation of SIP schedules and commitments contained in the corrected and extension area SIPs. Work with states to put SIP implementation back on schedule as quickly as possible if problems or delays arise. Assist states in the preparation of VOC regulations consistent with RACT and resolve specific policy or technical issues which impact the adoption and implementation of regulations. (Regions)
- (5) Review and document state progress in attaining NAAQS for ozone and carbon monoxide within the major urban nonattainment areas. Focus reviews on those areas that experience the more severe problems and are not likely to attain by 1987. Identify nonimplementation issues, SIP deficiencies, and other problems needing corrections. (Regions)
- (6) Assist, via the EPA Ozone Task Force (Regions) and STAPPA/ALAPCO (States), in the completion of any remaining portions of the new ozone strategy and implementation guidance. Implement the strategy according to the schedule developed in FY 1986. (States/Regions)

- (7) Review ambient ozone monitoring networks within each non-attainment area, and as required by the new ozone strategy and accompanying guidance, initiate steps to refine or expand monitoring networks to fully characterize ambient ozone levels. Replace worn-out or obsolete continuous ozone analyzers and laboratory equipment identified in the 1985 National Air Monitoring Audits. Identify areas where additional ambient (e.g., nonmethane organic compounds) or emissions data are most likely to be required to prepare revisions to ozone SIPs or to develop additional control measures (Regions/States). Assist states in preparing plans and data quality objectives (and obtaining EPA Headquarters' support where necessary) for collecting needed data during FY 1987. (Regions)
- (8) Implement provisions within the EPA-approved or federally promulgated lead SIPs consistent with the settlement agreement with the Natural Resources Defense Council. (States)
- (9) Implement the guidance on defining a federally reportable violation and the timely and appropriate response guidance. Resolve, consistent with EPA policies, violations of SIP regulations by Class A and selected Class B sources. Give priority to violating VOC sources in or affecting ozone nonattainment areas. Also, provide support to the criminal enforcement program. (States/Regions)
- (10) Assure that appropriate violations are entered into the Compliance Data System consistent with the new OAR guidance on defining a federally reportable violation. Where compliance schedules for sources have been established, track these schedules to assure timely compliance. Assure that the system contains acceptable compliance status information for these sources. Assure that appropriate Class B VOC compliance data are entered into the Compliance Data System. (States/Regions)
- (11) Initiate the development of required SIPs upon promulgation of the NAAQS for PM₁₀. Prepare necessary data bases for regulatory decisions in all areas. Revise existing monitoring networks consistent with national guidance for collection of ambient data on PM₁₀ levels in areas where control strategies must be prepared. Begin area-specific analyses to determine and quantify sources of PM₁₀ in areas where control strategies must be prepared. Initiate efforts to modify permit systems in all areas to account for the revised PM₁₀ NAAQS. (States/Regions)

C. Program goal: Increase the capacity and improve the effectiveness of state and local air quality programs.

1. Program objective: Use the National Air Audit System to identify obstacles to program effectiveness.

In FY 1987 EPA will continue the National Air Audit System on the biennial cycle initiated in FY 1986. The National Air Audit System is the primary tool for assessing state and local program capabilities and effectiveness and for identifying problems and needed improvements. State and key local programs will be evaluated using national criteria for major air pollution control activities. State and local agencies, with the support of EPA Regional Offices, will initiate the actions needed to correct program problems identified in the agencies audited during FY 1986. In providing support, EPA will give priority to problems that adversely affect state and local programs for reducing ozone levels and addressing air toxics. Recommendations for correction of widespread or national problems will be summarized and evaluated at a 1988 symposium. These will be incorporated into future program planning activities, providing both a closure on the problems identified in the audits and improvements in EPA and state/local programs.

2. Program Objective: Improve the management processes for the air grants program.

In FY 1987 EPA will continue steps to ensure effective use and management of air grant funds appropriated under section 105 of the Clean Air Act. Agency policy on performance-based grants will be implemented ensuring aggressive negotiation with state and local grantees of commitments for accomplishing national priorities and activities, a continuing review of grantee progress in meeting commitments, and the initiation of appropriate follow-up where problems are encountered. EPA recognizes that state and local agencies cannot assume substantial new responsibilities and still continue all existing activities without accompanying increases in resources. Regional Offices will allow grantees to eliminate or delay activities that are mutually agreed to be a lower priority.

The performance-based grant reporting system begun in FY 1986 will be continued with modifications as necessary to improve its implementation and usefulness. The findings and recommendations resulting from the review of the air grant program by the Office of the Inspector General during 1985/86 will be reviewed and appropriate steps taken to implement necessary changes and key recommendations within the Regions and Headquarters.

3. Program objective: Transfer implementation and enforcement responsibilities for new source review to state and local agencies.

EPA will continue efforts to prevent future air pollution problems through support of strong state and local programs to regulate new sources. This support includes developing national policies, standards, and regulations; promoting the transfer of new or additional new source program responsibilities to state and local agencies; aiding state and local agencies in implementing new source review and compliance programs; and assisting in the response to litigation. During FY 1987 EPA is scheduled to complete development of techniques that will be useful in conducting new source reviews and other dispersion analyses involving complex terrain and tall stacks.

Litigation actions continue to be an important part of new source review activities. The issue of whether surface coal mine fugitive emissions should be considered in determining prevention of significant deterioration and nonattainment area new source review applicability will likely be resolved in FY 1986, with implementation following in FY 1987. In addition, final action on many of the issues raised in the Chemical Manufacturers' Association (CMA) settlement agreement should be resolved by FY 1987, but whatever action EPA takes will likely result in continued litigation.

To support state and local permitting decisions, EPA will continue to operate two clearinghouses. One clearinghouse helps state and local agencies to determine best available control technology (BACT) and the lowest achievable emission rate (LAER) for new sources in a timely and consistent manner. The second clearinghouse helps state and local agencies to identify appropriate air quality models and procedures to use in reviewing the impact of new sources.

4. Program Objective: Maintain the National Air Monitoring System (NAMS) and State and Local Air Monitoring System (SLAMS) networks; maintain rigorous quality assurance programs, and where appropriate, incorporate enhancements; implement the AIRS air quality system in EPA Headquarters and in all Regional Offices; provide support to state and local agencies requesting direct access to AIRS.

High quality data for assessing progress in improving air quality and identifying emerging problems is essential to the operation of effective state and local control programs. To obtain such data, state and local agencies responsible for operating the NAMS and SLAMS networks must maintain effective quality assurance programs and replace worn-out monitoring instruments on a regular basis. In FY 1987 state and local agencies will need to review their

existing PM₁₀ networks and, where necessary, procure additional PM₁₀ instruments as quickly as resources permit to provide the data necessary for SIP networks.

EPA will continue to provide revisions to its technical guidance series on quality assurance during FY 1986 and FY 1987. EPA and the states should ensure that quality assurance program plans are updated annually to reflect these revisions, as well as year-to-year shifts and refinements in monitoring objectives within each state's NAMS/SLAMS network. EPA and the states should continue to conduct systems audits of their quality assurance programs and to periodically perform audits of the data quality of NAMS/SLAMS operations and other SIP-related monitoring projects.

During FY 1987 the implementation of the AIRS air quality system will be initiated and completed in EPA Headquarters and in all Regional offices. States currently storing and retrieving their ambient data via the EPA's Comprehensive Data Handling System (CDHS) will be the initial group to be supported in converting to direct access to AIRS. In late FY 1987 and in FY 1988, EPA will assist additional agencies requesting direct access to AIRS in data conversion and access arrangements. Efforts will be continued during FY 1987 to develop an integrated system to replace the National Emission Data System and the Compliance Data System with one which will allow direct access, storage, and retrieval of emissions and compliance data on all major facilities.

Key FY 1987 Headquarters Actions to Implement Program Goal

Tier 1 Actions:

- (1) Using the National Air Audit System results for FY 1985 and FY 1986, supplement or modify, as necessary, EPA policies and provide implementation support to better address the state and local agency problems identified by the audits.
- (2) Use the findings and conclusions of the national reports from the National Air Audit System in developing the FY 1988 and FY 1989 budgets to focus resources on identified problems and needs.
- (3) Analyze the results of the FY 1986-1987 audits and begin development of a national report summarizing the findings and conclusions. Initiate the development of recommendations for corrective actions on significant or widespread problems. Prepare national recommendations through a symposium to be held in early 1988, including recommendations for developing and providing guidance and assistance to state and local programs. Review the effectiveness of the audit process and evaluate the need for future improvements.
- (4) Issue the allocation of section 105 grant funds for FY 1988 and guidance for negotiation of FY 1988 grant awards.

- (5) Maintain a continuing forum with Regional Offices and state and local air pollution control agency officials for assessing and resolving air grant issues and problems.
- (6) Provide support necessary to develop network descriptions and implement prompt establishment of NAMS networks for PM₁₀.
- (7) Initiate implementation of the Air Quality Subsystem of AIRS in all Regional Offices and in selected state/local agencies.
- (8) Continue to develop and evaluate software needed to replace the National Emission Data System and the Compliance Data System with a system which states can directly store and retrieve both emissions and compliance data.
- (9) Provide training opportunities, implementation-oriented workshops, technical guidelines, and operating and procedural manuals to help state and local agencies strengthen their capabilities in key program areas.

Tier 2 Actions:

- (1) Complete survey of Regional Office procedures and processes for managing air grant funds. Focus on Regional activities for negotiating grant commitments and for documenting state progress and performance in meeting commitments. Prepare summary report of findings and conclusions.
- (2) Modify the performance-based grant reporting system as necessary to accommodate FY 1987 priorities and guidance. Pilot the reporting of negotiated funding levels for the major functional work areas (Regulation and Program Planning, Monitoring, Enforcement, Permitting, and Administration).
- (3) Continue to develop and modify, as necessary, new source program guidance and policies to keep state and local agencies abreast of development and changing requirements.
- (4) Update and maintain the clearinghouse for BACT/LAER determinations. Provide timely updates to permitting agencies, helping to ensure consistent and effective permitting decisions.
- (5) Operate the control technologies (modeling) clearinghouse to ensure that technically correct and consistent modeling procedures are applied in reviews of significant sources.
- (6) Update the ambient monitoring strategy for criteria pollutants.
- (7) Continue litigation activities on CMA issues and other challenges.

- (8) Complete development and issue computer codes and user's guide for performing complex terrain dispersion analyses and for analyzing air quality impacts from tall stacks. (ORD)

Key FY 1987 Regional Office and State Actions to Implement Program Goal

Tier 1 Actions:

- (1) Conduct biennial audits of state and key local air pollution control programs. Complete on schedule the audit reports for individual programs. (States/Regions)
- (2) Initiate actions to correct deficiencies identified by the FY 1986 audits of individual state and key local programs. Include corrective actions in grant workplans. (States/Regions)
- (3) Implement Agency policy and OAR guidance on performance-based grants. Negotiate with state and local air grantees workplans and agreements for continuing program support that addresses national priorities, SPMS measures, and all Tier I actions (if applicable to the state) identified in the Agency Operating Guidance. Quantify workplan commitments that address national priorities, SPMS measures, and Tier I actions and negotiate funding levels for individual national priorities. Implement performance-based grant reporting system providing complete and timely reports on commitments, progress, and funding levels. (Regions)
- (4) Maintain effective state and local programs for new source review, prevention of significant deterioration, and NSPS implementation, with adequate enforcement response to violations. Take direct enforcement action, as necessary, when a state has not been delegated authority or a state fails to take timely and appropriate action. (States/Regions)
- (5) Maintain NAMS and SLAMS operations. Update quality assurance programs to reflect revised technical guidance and program requirements and carry out quality assurance system audits. Review and revise networks, as appropriate, giving priority to timely preparation and review of network descriptions for PM₁₀. (States/Regions)
- (6) Report all required air quality, quality assurance, emissions and compliance data on schedule. (States)
- (7) Continue programs to replace worn-out or obsolete continuous analyzers and laboratory equipment in the NAMS network (as identified in the 1985 National Air Monitoring Audits). Give priority to replacing ozone analyzers in post-1987 nonattainment areas. (States)

Tier 2 Actions:

- (1) Develop for the few remaining state and key local agencies approvable programs for the prevention of significant deterioration or agreements to accept delegation of the federal program. Promote automatic delegation processes for NSPSS and NESHAPs. (States/Regions)
- (2) Support the BACT/LAER clearinghouse by submitting determinations to EPA in a timely manner. Although clearinghouse participation is voluntary, the clearinghouse does benefit states and local agencies by providing a comprehensive data base for new source permitting decisions. The extent and quality of the data base depends on the degree of agency participation. (States/Regions)
- (3) Continue programs to replace worn-out or obsolete continuous analyzers and laboratory equipment in the SLAMS network (as identified in the 1985 National Air Monitoring Audits). (States)
- (4) If final rules include surface coal mine fugitive emissions in determining whether sources are subject to new source review, develop and implement this addition to the rules, including the workshops, training, and reference materials needed to delegate this portion of the program to state and local agencies. (States/Regions)

D. Program goal: Determine the policy alternatives and strategy options available to address acid deposition, stratospheric ozone depletion, and indoor air pollution.

1. Program objective: Identify policy implications of the results of the National Acid Precipitation Assessment Program (NAPAP); determine policy information needs that must be addressed.

In FY 1987 EPA will place particular emphasis on the review of research results from NAPAP. EPA's air program will actively participate in the research planning processes of NAPAP and ORD to ensure that policy information needs are being adequately addressed by the national research program.

2. Program objective: Evaluate critical implementation and policy issues in addressing acid deposition and define options for their resolution.

EPA will continue a cooperative effort with states to examine potential implementation issues associated with the enactment of an acid rain control program. In FY 1987 EPA will emphasize the development of specific options for resolving these issues. EPA and the states will give special attention to ensuring that the

1985 NAPAP emission inventory contains a thorough and accurate characterization of the 1985 emissions in each of its specified categories.

3. Program objective: Determine the need for a CFC regulatory program to reduce stratospheric ozone depletion; coordinate the EPA position with the international community.

In FY 1986 EPA will focus on developing a national and international consensus on the nature and magnitude of the CFC problem. In FY 1987 these efforts will culminate in a decision on the need for domestic regulation and on a United States negotiating position on the development of an international protocol.

4. Program objective: Provide a coordinated EPA approach to indoor air pollution policy analysis, risk assessment, and strategy development.

In FY 1987 EPA will establish a policy development and analysis capability to help guide and coordinate the Agency's response to indoor air quality problems. EPA programs have in the past dealt with indoor air as a normal portion of their activities (e.g., home use of pesticides). In FY 1987 EPA will provide more structured coordination of indoor air policy analysis, risk assessment and strategy development. EPA will also continue working with state and local agencies, other federal agencies, and private organizations who have the interest and capacity to improve indoor air quality.

ORD will place increased emphasis on more fully evaluating total human exposure to air pollutants. In FY 1987 ORD will conduct field studies to measure human exposure to indoor air pollutants, evaluate the corresponding physiological and biochemical changes, characterize the emission sources, and evaluate mitigation techniques.

Key FY 1987 Headquarters Actions to Implement Program Goal

Tier 1 Actions:

- (1) Evaluate and synthesize results of FY 1986 STAR projects.
- (2) Assist ORD and NAPAP in design and preparation of 1987 assessment.
- (3) Complete draft of options of implementation issues of external review.
- (4) Publish a decision on the need for regulatory actions to reduce CFCs.

Tier 2 Actions:

- (1) Work with states on developing model implementation guidance.

Key FY 1987 Regional Office and State Actions to Implement Program Goal

Tier 1 Actions:

- (1) Submit comprehensive 1985 emission inventories for sulfur oxides, nitrogen oxides, and VOCs. (Regions)
- (2) Assist in the evaluation and synthesis of STAR projects. (State/Regions)
- (3) Provide procedural and technical guidance on verification of 1985 emission inventories. (Regions)
- (4) Assist in the development of implementation options. (States/Regions)

Tier 2 Actions:

- (1) Assist in the development of the draft strategy implementation document. (States/Regions)
- (2) Identify acid rain research needs of states and Regional Offices and provide these to the Multi-media Energy Research Committee. (States/Regions)

E. Program goal: Develop and support programs to maintain environmental quality.

1. Program objective: Develop NSPSs for all source categories on the priority list.

In FY 1987 EPA will continue to implement a three-part NSPS program. EPA will give priority to part 1, the completion of at least one NSPS for each source category on the NSPS priority list for which the Agency has identified best demonstrated technology (BDT).

Part 2 of the NSPS program is a longer-term effort, investigating BDT for other pollutants and facilities on the priority list and for 27 source categories identified before the priority list was promulgated. Part 3 encompasses the continuing aspects of the NSPS program: reviewing each NSPS on the four-year cycle required by the Clean Air Act, revising an NSPS when appropriate, reevaluating the status of the 21 source categories on the priority list for which work has been suspended, and evaluating other source categories not currently on the list.

2. Program Objective: Implement and maintain effective continuous compliance programs.

Continuous compliance will remain one of the major efforts of the stationary source compliance program. EPA is committed to a variety of continuous compliance studies and projects which will result in improved compliance monitoring techniques and increased state and Regional inspection and compliance determination expertise. Many of these projects have already produced valuable results and techniques.

The major thrust of the continuous compliance program is to improve the effectiveness of compliance monitoring inspections conducted by EPA and the states. In this regard, EPA issued in FY 1984 guidance on the expanded use of unannounced inspections to increase the likelihood of detecting noncompliance problems. In FY 1985 EPA revised its inspection frequency guidance for FY 1986 to provide states with greater flexibility to target inspections and, importantly, included a definition of a minimally acceptable inspection. EPA will complete the Model Surveillance Targeting Program in FY 1986. A result of this project, which will be available in FY 1987, is a more systematic and efficient method to target inspections.

Integrating Continuous Emissions Monitoring (CEM) into compliance monitoring is a major effort within the continuous compliance program. During FY 1985, EPA began a process to establish a base CEM program in all Regions. The results of the Region VII CEM pilot will be available in FY 1986 and will help promote broader Regional Office and state CEM programs. To facilitate making CEM a national program, EPA has issued guidance on the use of excess emission report data and on using the CEM subset in the Compliance Data System. In FY 1986 EPA will complete guidance on using CEM data for direct enforcement. During FY 1987, EPA will continue actively promoting the CEM program.

In FY 1987 EPA will complete development of guidance for states and Regions on the major causes of malfunctions for the various types of control equipment and for selected process operations. A computer-based model data system to handle malfunction data will be developed in conjunction with this project. These two efforts will strengthen the capabilities of EPA and the states to respond to alleged malfunction situations. Also, EPA will develop a model recordkeeping system for major types of control equipment, as well as guidance on records analysis procedures to facilitate review of the data associated with the record-keeping system.

3. Program objective: Protect visibility in Class I areas.

In a settlement agreement with the Environmental Defense Fund, EPA agreed to promulgate visibility protection plans for 34 states that had not met Clean Air Act requirements. The EPA

will complete the plans in a two-part promulgation that ends in FY 1987.

FY 1987 Headquarters Actions to Implement Program Goal

Tier 1 Actions:

- (1) Promulgate federal programs to correct deficiencies in implementation control strategies, long-term strategies, and integral vistas in state visibility protection plans.
- (2) Approve state visibility plans for implementation control strategies, long-term strategies, and integral vistas for those states that submitted SIP revisions pursuant to the provisions of the settlement agreement with the Environmental Defense Fund.

Tier 2 Actions:

- (1) Provide policy and technical guidance to Regional Offices to implement the second part of the settlement agreement with the Environmental Defense Fund.
- (2) Provide policy and technical guidance on the federal visibility monitoring programs established under the first part of the settlement agreement with Environmental Defense Fund.
- (3) Propose one NSPS and promulgate 15 NSPSs.
- (4) Implement continuous compliance projects and studies. Complete malfunction technical guidance, malfunction model data system, and recordkeeping guidance. Promote the acceptance and implementation of recommendations and techniques resulting from continuous compliance projects.

FY 1987 Key Regional Office and State Actions to Implement Program Goal

Tier 1 Actions:

- (1) Review and track the SIP revisions submitted by states to avoid federal promulgation of visibility protection plans according to the schedule contained in the Environmental Defense Fund settlement agreement. (Regions)

Tier 2 Actions:

- (1) Assist states in improving their compliance monitoring capabilities by upgrading their inspection and CEM/coal sampling and analysis programs using techniques developed in previous continuous compliance projects. (Regions)

- (2) Initiate SIP development efforts to correct deficiencies in state visibility protection plans in states with federally promulgated plans. (States)

IV. STRATEGY FOR THE RADIATION PROGRAM FOR FY 1987

The EPA strategy for the national radiation program is based on two major program goals:

- ° Reduce the risk of exposure to unhealthful levels of radiation
- ° Maintain comprehensive surveillance and effective emergency response capabilities

There are a variety of sources of radiation exposure, and legislative authorities to deal with radiation sources. EPA has chosen to emphasize regulatory control over two general categories which contribute to radiation exposure: airborne radionuclides, and disposal of radioactive wastes. These categories have been given priority because they represent the greatest health hazards, legislative authority is available to remedy the problems, and the radiation levels are amenable to reduction. The Agency also continues to exercise its federal guidance role in the radiation protection community.

In addition to implementing a regulatory and guidance program, the Agency pursues three objectives of environmental assessment in providing a radiation protection program to the public. These objectives include: (1) maintain a capability to assess and quantify existing and emerging radiation problems and the potential impact of technologies under development, (2) be able to evaluate and respond to issues of serious public concern and to identify the organization responsible for corrective action, and (3) maintain a capability to respond to emergencies and to aid development and testing of state, local, and federal plans for emergency response. This environmental assessment effort is concentrated in EPA field facilities and Regional Offices.

V. GUIDANCE FOR THE RADIATION PROGRAM

- A. Program Goal: Reduce the risk of exposure to unhealthful levels of radiation

In an effort to address the health impacts of indoor radon exposure, the Office of Radiation Programs (ORP), in conjunction with ORD, OPPE, and other Agency offices, has undertaken a strategy for indoor radon assessment and mitigation. This strategy addresses the elevated levels of indoor radon found in some homes on the

Reading Prong in eastern Pennsylvania, New Jersey and New York; assesses the national risks of exposure; and provides an integrated approach to assist states and the private sector in dealing with the problem.

In FY 1987 ORP will continue to provide technical assistance related to radon to the states involved, disseminate information to the public, and develop criteria for preventive measures in construction. The Agency will also assist with the mitigation of problems in existing homes through the development and application of techniques to reduce radon in the homes.

As part of the national strategy on indoor radon, the design of the national assessment and pilot testing of the methodology will be completed in FY 1987. The design of a data handling system will also be completed. Demonstrations of low cost remedial techniques and preventive construction practices will be undertaken, and cooperative projects with industry will be initiated. Development of interim models for predicting the radon hazard potential of land will be continued. Demonstrations of remedial actions in cooperation with ORD and with state and local governments will be continued.

The disposal of radioactive wastes in an environmentally sound manner is a complex task that requires the collective efforts of the Department of Energy, the Nuclear Regulatory Commission, individual states, and private industry, in addition to EPA. The Agency's principal role in this effort is to establish environmental standards which limit exposure from the various categories of radioactive wastes, so as to pose minimal public health risks.

Because of the different types and toxicities of waste being considered, these problems are treated separately in the development of standards for land disposal of low-level wastes, including natural and accelerator produced materials and for residual radioactivity at decommissioned nuclear facilities. The Agency expects to promulgate final rulemaking for land disposal of low-level waste in FY 1987. ORP will continue to provide technical assistance to the Office of Water for the issuance of regulations governing the ocean disposal of low-level waste. Technical work in support of possible residual radioactivity regulations will continue.

Under Reorganization Plan #3 of 1970, the Agency was transferred the authority of the former Federal Radiation Council to advise the President with respect to radiation matters directly or indirectly affecting health, including guidance for all federal agencies in the formulation of radiation standards. A continuing role is necessary in implementing the federal guidance covering radio-frequency radiation and occupational exposure to radiation. Protective action guides for relocation and resettlement will

be completed and added to the Manual of Protective Action. Continued support will be given to other federal agencies in the implementation of existing federal guidance.

A determination will be made on the need for the regulation of phosphogypsum piles under section 112 of the Clean Air Act. EPA will also complete implementation of radionuclide NESHAPs in EPA Headquarters and at the Regional Offices. A comprehensive environmental assessment program pertaining to multiple sources of radiation in two Idaho communities will continue, with surveys of various pathways. Support to the Office of Drinking Water on the review of drinking water standards will be completed.

Key FY 1987 Headquarters Actions to Implement Program Goal

Tier 1 Actions:

- (1) Complete pilot tests of the national radon assessment methodology.
- (2) Evaluate techniques for radon mitigation in existing homes and prevention in future construction. (ORP/ORD)
- (3) Implement home mitigation training programs for contractors on the Reading Prong.
- (4) Develop interim models for predicting radon hazard potential.
- (5) Publish final environmental standards for low-level waste disposal. (ORP/OSWER)

Tier 2 Actions:

- (1) Continue technical work in support of a residual radioactivity regulation.
- (2) Continue support to other federal agencies in the implementation of radiofrequency radiation federal guidance.
- (3) Complete the implementation of radionuclide NESHAPs.
- (4) Determine the need for regulation of phosphogypsum piles.

Key FY 1987 Regional Office and State Actions to Implement Program Goal

Tier 1 Actions:

- (1) Participate with Headquarters Offices on the implementation of the indoor radon strategy.

- (2) Provide states with technical assistance and liaison for guidance interpretation and radon measurement and mitigation support.
- (3) Participate with Headquarters Offices in the identification and assessment of sites which are contaminated with radio-activity.

Tier 2 Actions:

- (1) Assist Headquarters Offices in the development of standards by participating in Agency working groups.

B. Program Goal: Maintain comprehensive surveillance and effective emergency response capabilities

The Environmental Radiation Ambient Monitoring System (ERAMS) is the only national multi-media surveillance system which provides timely measurements of ambient radiation levels in air, drinking water, surface water, and milk. ERAMS also has the capacity for rapid assessment of elevated radiation levels which may occur because of natural or man-made incidents (such as the atmospheric testing of a nuclear weapon). The 268 sampling locations are found in every state. In FY 1987 EPA will continue to emphasize improving the responsiveness of ERAMS in an emergency. EPA will also conduct further explorations to determine if the system can be used to collect environmental samples for analysis of nonradioactive pollutants. Arrangements will be made to share environmental samples collected through the ERAMS network with EPA program offices that express a need for these samples.

The protocol for surface and drinking water sampling operations will be modified to provide sequential sampling, consistent with the needs of other EPA offices for these samples.

The two field facilities of ORP have the capability for designing and conducting field studies to determine the nature and extent of radioactive contamination in a variety of media. In FY 1987 ORP will again assess problems and recommend remedial actions to OSWER to address sites on the National Priority List. ORP and OSWER will work closely to ensure that appropriate remedial actions are taken at sites contaminated by radiation.

ORP will also continue to investigate problems of elevated environmental radiation levels which pose significant public health hazards. The study initiated in cooperation with the State of Idaho to investigate all sources of radiation exposure around Pocatello and Soda Springs will continue with surveys of various pathways. The unique capabilities for the assessment of electromagnetic radiation levels will be maintained, with emphasis

placed on determining the extent to which populations may face unnecessarily high exposures to radiofrequency radiation.

Construction of a new building for the Montgomery, Alabama, field facility will proceed.

Key FY 1987 Headquarters Actions to Implement Program Goal

Tier 1 Actions:

- (1) Continue the study of radiation sources around two Idaho towns.
- (2) Address problems at sites listed on the National Priority List, in coordination with OSWER.

Tier 2 Actions:

- (1) Complete update of ERAMS air monitoring stations.
- (2) Publish on a quarterly basis the results of analyses taken from environmental samples collected at 268 ERAMS stations.
- (3) Continue dialogue with other EPA offices to extend collection of environmental samples to meet the needs of other program offices.
- (4) Provide support to federal, state, and local requests for assistance in resolving problems involving ionizing and nonionizing radiation, where significant public health risks may be involved.
- (5) Participate in Federal Emergency Management Agency (FEMA) and EPA exercises as a means of maintaining and improving emergency response capabilities.

Key FY 1987 Regional Office and State Actions to Implement Program Goal

Tier 1 Actions:

- (1) Assist in continued coordination of the Idaho Study.
- (2) Participate in identification, assessment and remediation of National Priority List sites contaminated by radioactivity.

Tier 2 Actions:

- (1) Participate in the review, testing, and critique of state and local emergency response plans for nuclear facilities.
- (2) Participate in FEMA and EPA sponsored emergency response exercises conducted within respective regions.

OAR SUPPLEMENTAL GUIDANCE SCHEDULE
FOR ISSUANCE IN FY 1986

<u>Guidance</u>	<u>Scheduled Completion</u>
° AIR TOXICS: Strategic Planning Initiative	Q 4
° OZONE ATTAINMENT: Strategy	Q 4
° ENFORCEMENT: Federally reportable violation	Q 3
° GRANTS: Allocation policy	Q 3

Office of
Water

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FY 1987 OFFICE OF WATER AGENCY OPERATING GUIDANCE

I. GUIDANCE OVERVIEW

The Office of Water portion of the FY 1987 Operating Guidance provides national direction to EPA Regions, States and the regulated community in carrying out programs mandated under Federal water protection statutes. These statutes include: the Safe Drinking Water Act (SDWA), the Clean Water Act (CWA) and the Marine Protection, Research and Sanctuaries Act (MPRSA). The Office of Water and the States also implement programs to protect groundwater quality through authorization under several different statutes described in the Groundwater Protection Strategy.

This portion of the guidance is arranged in three sections. The first outlines the new program thrusts and priorities for FY 1987 and the water program policy for Regional negotiation of the FY 1987 program assistance to the States. The second section contains the specific program guidance and priority activities for each major water program. The third section is the "water" portion of the appendix, which identifies the strategic planning and management system (SPMS) measures to be used in evaluating performance on priority activities in each of the critical program areas.

In addition to the SPMS measures, the Office of Water will again be publishing a program evaluation guide for FY 1987. The guide will include definitions, procedures and evaluation measures for reviewing Regional Office and State agency performance on water program activities during FY 1987.

The text and priority activities that follow do not assume passage of any new legislation pending at the time of publication. Supplemental guidance will be issued for FY 1987 to implement the legislation once enacted.

A. New Program Thrusts and Priorities for FY 1987

In FY 1987 and beyond, management of the water programs will follow five major directions, consistent with the Administrator's management plan and Agency goals and priorities. The priority activities outlined in Part II support and build upon these five broad, crosscutting program directions.

Implement Our Basic Programs with a Focus on Environmental Results

Much of the effort in FY 1987 will be to aggressively implement standards, regulations, and policies already in place. Highest priority efforts in this area include support for State implementation of ground-water protection strategies developed in FY 1985 - 1986, strong and consistent implementation of the National Municipal Policy, a shift to pretreatment compliance and enforcement, a move to compliance and enforcement in the UIC program, and the first steps in the transition to State and local responsibility for construction of publicly-owned wastewater treatment works. The Agency will also initiate new VOC monitoring requirements for public water systems, based on promulgation of new drinking water standards, and implementation of drinking water health advisories where regulations are not warranted.

To improve our focus on environmental results, the water program in FY 1987 will reorient monitoring across water programs to better determine accomplishments, improve compliance information, identify unregulated contaminants, and anticipate future problems. The water program will also pursue performance improvement in the field through support for geographic initiatives, use of priority waterbody lists, implementation of the ground-water monitoring strategy, drinking water health advisories, and technical assistance for permit and compliance decisions.

Expand Emphasis on Toxics Controls Across All Programs

Several major new thrusts will take place in FY 1987 related to toxics controls in ground-water and surface water. Priority efforts include new water quality and permit toxics criteria development, implementation of the TSCA ground water strategy, new focus on applying drinking water standards for water quality-based toxics controls, and the beginning of an incineration-at-sea program for disposal of hazardous wastes.

Strengthen Protection of all Waters from Difficult or Uncontrolled Sources

Major new efforts will move forward in FY 1987 to investigate and develop programs for abating toxic and conventional pollution from uncontrolled sources. These efforts will include implementation of a base nonpoint source program to implement the National NonPoint Strategy, development of a

sediment strategy to identify toxic contamination in sediments, an increased and stronger emphasis on basin-wide estuarine management, implementation of the pesticides in ground-water strategy, the development of Technical Information Publications (TIPs) for sources of ground-water contamination of significant concern, continuation of the pesticides in ground-water survey, and initial studies on unregulated industry categories with toxic dischargers.

Focus on Cross Media Impacts

Increased awareness is needed by water program managers of the intermedia impact of the Agency programs, both the impact our programs have on other media (e.g., air) and the impact other programs have on our activities. In FY 1987, several major efforts are planned that will move toward intermedia decision-making: implementation of the sludge management program; implementation of the ground-water classification guidelines; promulgation of the organics (plastics and pesticides) industry effluent guidelines; implementation of new RCRA requirements at POTWs, industrial NPDES facilities, and at Class I UIC wells; and water program participation in other program working groups.

Broaden Public Awareness/Outreach

The water program plans to pursue several external outreach initiatives in FY 1987 to better communicate water program policies to our constituencies. These initiatives will focus on increased communication with Congress, State agencies and associations, public interest groups, trade associations, and industries. In addition, the program will aggressively pursue ways to ensure that other Federal agencies continue addressing environmental issues of common interest (e.g., nonpoint source, oceans). The program will use the Communications Strategy Plan process (coordinated by the Office of External Affairs) to inform the public and affected groups of the regulatory decisions and actions we take.

B. Water Program Performance-Based Assistance Policy

On May 31, 1985, the Administrator issued the Policy on Performance-Based Assistance, which explicitly links EPA assistance to effective State performance. This section supplements the Agency policy for program grants administered by the water programs. The policy has three components: negotiation of work programs, oversight of program performance, and actions to reward accomplishments and correct problems.

Performance-based assistance programs are built on commitments jointly negotiated prior to grant award. Work programs must provide for early warning of missed commitments and a mechanism to respond to them. The overall approach is to use the assistance process to jointly agree on how and to what extent Agency and State priorities will be met.

The water program performance-based assistance policy applies to all State and local assistance programs under the Clean Water Act, Safe Drinking Water Act, and related appropriations. Funding priorities should be based on the Agency priority list, the individual program priority activities (see part II), and achievement of State SPMS commitments. All water program assistance agreements in FY 1987 are to be consistent with the policy outlined in this section.

Negotiation of Work Programs

Regions and States are to tailor their work programs to the priority activities listed in Part II of this guidance, recognizing the individual Region/State circumstances and priorities and the level of program assistance. Regional Offices may issue written guidance tailored for each State to incorporate national, Regional, and State priority activities into the work program negotiation process. Work programs must contain realistic commitments for every national SPMS measure. It is critical that the work program clearly identify both the performance expectations and the plan for EPA's evaluation of State performance. The States should be encouraged to provide a comprehensive work program that includes activities outside those paid for under the assistance agreement.

Oversight of Program Performance

Oversight will be designed to give an early indication of State progress and problems in meeting the work program commitments. Regional Offices must monitor and evaluate program performance both informally and formally, maintaining continuous dialogue with the States to give early warning of emerging issues. Regions must conduct a minimum of one on-site mid-year evaluation, culminating in a report of findings and follow-up activities. Regional reports must include comments from the State on the report's findings. A copy of the mid-year evaluation report for each State is to be sent to Headquarters.

Actions to Reward Accomplishments and Correct Problems

Follow-up actions to evaluate findings are meant to find the most effective way to maintain and improve program performance. Regional Offices should encourage good performance by publicizing accomplishments and reducing the extent, level, and scope of oversight. Where appropriate, financial incentives should be provided. Likewise, where performance problems exist, the Regional Office is to initiate a series of escalating actions to resolve the problem in a quick and fair manner. Where performance problems persist, actions should include the use of the grant mechanism as outlined in 40 CFR Part 30 and Subpart A of Part 35. Corrective measures are to be based on the severity and persistence of the performance problem, in line with the performance expectations laid out in the original work program.

PART II

FY 1987 WATER PROGRAM GUIDANCE

NOTE ON GUIDANCE FORMAT

Part II of this guidance contains specific program direction and priority activities for FY 1987. The priority activities are of two types, activities that support one or more Agency priorities or those that support one or more Office of Water (OW) program priorities. Activities that support Agency priorities are denoted on the left-hand margin by an asterisk (*) while activities that support OW activities are denoted by a bullet (°).

Although many of these activities appeared word-for-word in the FY 1986 - 1987 guidance others have been modified or added to reflect changes in the program direction and/or responsibilities. Modified priority activities are denoted by a dash (-) in the right hand margin while new priority activities are denoted by a plus sign (+). This simple coding of priority activities should considerably improve the reader's ability to identify changes in program activity for FY 1987.

An additional note, the subsection identifiers (a, b & c . . .) relate only to the structure of this guidance document and not to the structure of the OW Evaluation Guide soon to be published.

II. WATER PROGRAM GUIDANCE

A. SAFE DRINKING WATER ACT PROGRAMS

Two of the priorities listed in the Agency's priority list for FY 1987 are directly implemented through the drinking water programs. The first priority is to control drinking water contaminants which encompasses implementing the Volatile Organic Contaminant (VOC) Regulations, monitoring for unregulated contaminants, promulgating additional standards as needed, and ensuring compliance with the existing drinking water standards. In addition, it includes expanding the health advisory program in support of RCRA waste banning decisions, Superfund cleanup activities, and control actions for agricultural chemicals.

The second Agency priority is the control of underground injection. This encompasses monitoring underground injection permit issuance and enforcement efforts on existing facilities that present the greatest threat to underground sources of drinking water, and to review the current practices of underground injection of hazardous wastes and initiate appropriate control actions.

1. Public Water System Supervision (PWSS) Program - Priority Activities

- * The principal objectives of the State and Regional programs should continue to be the elimination of all violations of the National Interim Primary Drinking Water Regulations (NIPDWRs). Of particular concern to EPA will be community water systems which are in significant noncompliance (SNC). (The new definitions of SNC, to apply to FY 1987, will be contained in the Office of Water Accountability System (OWAS) guide. They will be subject to change dependent upon the outcome of the three PWSS Data Policy Seminars to be held in April.) EPA's goal is that every SNC will either be returned to compliance, be operating under and adhering to an enforceable compliance schedule, or have a formal enforcement action taken against it to elicit compliance. (Ongoing) (-)
- * Regions and States are to negotiate annual targets for the maximum allowable number, and percent, of community water systems which are significant noncompliers. For FY 1987, we ask that one combined target (rather than separate targets as has been the practice in the past) be set for systems which are significant noncompliers of any of three contaminants -- microbiology, turbidity, and total trihalomethane (TTHM). (Regions may negotiate separate targets in addition to the combined target if they desire). Further, (-)

we are not setting a national target for significant non-compliers as has been done in past years. Rather, Regions are to negotiate each State's target based upon that State's current compliance and capabilities. We are, however, asking that each State's target reflect, at least, a 10% improvement over its previous year's results. Regions should negotiate for more than 10% improvement where they believe States can achieve greater improvement. (Ongoing)

- * States and Regions are to place greater emphasis on systems which violate a chemical (organics other than TTHM and inorganics) or radiological requirement. We will develop a definition of what constitutes a significant noncomplier of a chemical or radiological requirement during FY 1986, and will track these systems and ask States to report enforcement activity to us during FY 1987. We anticipate requiring States to negotiate targets for these noncomplying systems beginning in FY 1988. (Ongoing) (+)
- * States and Regions are to place high priority on the quality of the compliance, inventory, and enforcement data submitted to the Federal Reporting Data System (FRDS), as this data is the foundation of much of EPA's oversight program. As one element of the quality assurance effort, Regions are to continue to conduct data verifications of State violation reports. Regions are to follow up on those States for which previous audits revealed reporting inconsistencies to ensure that the recommendations made are being implemented and that there has been an improvement in the quality of the reporting. (Ongoing) (-)
- * States and Regions will implement the VOC Regulations and the requirement for monitoring the unregulated contaminants. HQ will develop guidance on implementation of these regulations and on Agency support for enforcement of failures to monitor for the unregulated contaminants. (First Quarter) (+)
- ° States and Regions should place special emphasis on tracking results, and improving compliance, of the Oceanic Islands and other groups of systems which have an inordinately high degree of noncompliance. (Ongoing) (+)
- ° States are to begin, if they are not already doing so, to enter into FRDS the analytical results where chemical and radiological Maximum Contaminant Levels (MCL) violations occur so that determinations can be made about degrees of noncompliance. (Ongoing) (+)
- ° HQ and Regions will increase their efforts to achieve better coordination with the Offices of Solid Waste and Emergency Response and Pesticides and Toxic Substances. (Ongoing) (+)

- ° Regions are to ensure that States have developed formal compliance strategies and that they are being implemented. (Ongoing)
- * States and Regions are to ensure enforcement actions are timely and appropriate. (HQ will revise, as necessary, the existing national timely and appropriate "timelines" to be consistent with the new definition of SNC.) (Ongoing)
- ° HQ and Regions will continue to review State enforcement actions and will consider Federal enforcement actions on noncompliers against which the States have not taken an appropriate action and show no signs of immediate return to compliance. Regions will, in the conduct of their compliance and enforcement programs, identify and refer to OIC for investigation of suspected criminal conduct, "tips" or other information relevant to criminal enforcement. (Ongoing) (-)
- ° States are to continue to provide quarterly inventory and violation reports to Regions. Regions are to discuss with the States the goal of shortening the data submission and review periods. Regions are to place greater emphasis on their own reviews of state compliance data, both in terms of quality and turnaround time. When the quality of the data reporting is maximized, we will focus on turnaround time with the goal being the extraction of the compliance data from the FRDS within one quarter. (Ongoing) (-)
- ° Regions will conduct intensive reviews of selected primacy State programs. (Ongoing)
- ° States and Regions are to collect and assess data on compliance rates of "high priority" noncommunity water systems (schools, day care centers, factories, hospitals, campgrounds, etc.), and begin an effort to improve the compliance of these systems. (Ongoing) (-)
- ° Regions are to fully implement the PWSS program on Indian lands to improve compliance with drinking water regulations and should ensure that their program is consistent with the Agency's Indian Policy. (Ongoing) (+)
- ° States and Regions are to ensure that compliance at Federal facilities is part of their compliance and enforcement programs. To enable EPA to identify Federal facility compliance automatically, States and Regions should ensure that Federal facilities are correctly coded in FRDS. (+)

2. Drinking Water Standard Setting and Health Advisories -
Priority Activities

The Agency will continue to revise the National Primary Drinking Regulations in phases and to develop health advisories. In addition to satisfying the Safe Drinking Water Act requirements, the MCLs and advisories will assist Superfund cleanup activities, response to contamination incidents, and other purposes.

- * HQ will promulgate the first phase of revised National Primary Drinking Water Regulations for volatile organic chemicals (VOCs) and monitoring rule for unregulated VOCs. (First Quarter)
- * HQ will promulgate recommended maximum contaminant levels (RMCLs) and propose MCLs for synthetic organic chemicals, inorganic chemicals, and microbiological contaminants. Requirements will be proposed for filtration and disinfection of surface water supplies and disinfection of ground-water supplies. (Second Quarter)
- * HQ will promulgate RMCLs for radionuclides and propose MCLs. (Third Quarter)
- * HQ will continue with the review of Interim regulations and research results concerning disinfection by-products. (Ongoing)
- * Regions will assist States in drinking water contamination cases involving regulated and unregulated contaminants and provide follow-up to water supply monitoring in coordination with other programs such as RCRA and Superfund. (Ongoing) (-)
- * HQ will develop additional health advisories and disseminate to the Regions and States. EPA Headquarters will direct a Performance Improvement Project to assist in use of the health advisories. (Ongoing)
- ° HQ will continue to conduct the National Pesticides Survey. (Ongoing)
- ° HQ will finalize implementation of a third party certification program for drinking water additives, and will continue to review petitions for use of additives in drinking water during the transition to the third party program. (Ongoing)

3. Underground Injection Control Program - Priority Activities

The major goal of the Underground Injection Control (UIC) program in FY 1987 will be to assure the effective implementation of high quality direct implementation and primacy programs. Objectives for FY 1987 are to assure that: (1) programs conform to applicable regulations and program descriptions; (2) reporting is accurate and used for management purposes; and (3) EPA and primacy States take timely and appropriate action to resolve instances of significant noncompliance. A major Headquarters activity will be to develop appropriate restrictions on the injection of hazardous waste.

- * HQ and Regions will monitor and review mechanical integrity of injection wells authorized by Rule to determine compliance with the UIC regulations and determine whether the current regulations are adequate to protect Underground Source of Drinking Water (USDWs). (Ongoing)
- * States and Regions will complete the assessment of Class V wells required by regulations to determine the potential for contamination of ground-water through improper underground injection activities and/or practices. (Ongoing)
- * States and Regions will vigorously control land disposal of hazardous waste using injection wells and HQ will complete the necessary studies to determine which hazardous wastes should be banned from land disposal by well injection. (Ongoing) (+)
- * States and Regions will establish a strong field presence by conducting field inspections and surveillance, initiating compliance evaluations and commencing appropriate enforcement actions. (Ongoing)
- * States and Regions will review and make permit determinations for new and existing injection wells based on the following priority order: (Ongoing)
 - 1. new Class II oil and gas wells.
 - 2. existing Class I wells, if any.
 - 3. existing Class III wells, if any.
 - 4. new Class I and III wells.
 - 5. existing Class II salt water disposal wells.

- * Regions and HQ will continue support for enforcement cases begun in FY 1986 under the UIC enforcement initiative. (Ongoing)
- * States and Regions will annually inspect all Class I and IV wells and Class II and III wells with significant violations to verify compliance with permit and regulatory requirements. (Ongoing) (+)
- * States and Regions will respond promptly to all instances of noncompliance by Class I and IV wells and significant Class II, III, and V violations. (Ongoing) (+)
- ° Regions will oversee delegated State programs, conduct intensive reviews in selected States, negotiate enforcement agreements, and take enforcement action where the State has not or cannot respond to significant violations in a timely and appropriate manner. (Ongoing) (-)
- ° States and Regions will ensure compliance with all formal enforcement actions through tracking and prompt follow-up when deadlines are missed. (Ongoing) (-)
- ° HQ and Regions will process sole source aquifer petitions. Regions will review Federal projects in designated sole source aquifer areas to assure that drinking water sources will not be contaminated. (Ongoing) (+)
- ° Regions will review existing Class II enhanced recovery permit files in lieu of repermitting. (Ongoing) (+)
- ° HQ will manage the necessary research studies to evaluate the practice of storage or disposal of hazardous waste in salt domes, bedded salt, and caves. Regions will work together with HQ to evaluate the research results and propose changes to the UIC program regulations as necessary to protect public health and the environment. (Ongoing)
- ° Regions will perform hydrogeological evaluations on groundwater contamination incidents that may have the potential to contaminate drinking water sources. (Ongoing) (+)
- ° Regions and HQ will review alternative methods for demonstrating mechanical integrity of wells for which no current method is yet acceptable (i.e., dual completion wells). (Ongoing)
- ° Regions will continue existing well construction reviews to complete their commitment to review all wells within five years. (Ongoing)

B. GROUND-WATER PROTECTION PROGRAM

The major objectives of EPA's Ground-Water Protection Strategy include: 1) supporting State ground-water protection activities; 2) addressing sources of ground-water contamination; 3) adopting guidelines for ground-water protection; and 4) providing greater EPA ground-water focus and coordination.

This program addresses the first Agency goal of reducing risks of exposure to existing pesticides and toxic chemicals. Specifically, most aspects of this program focus on the third priority under the first Agency goal to support development of State strategies and programs as well as methods to address sources of contamination of national concern. This program will address high priority concerns expressed in the Regions' Environmental Management Reports.

1. State Ground-Water Protection Activities - Priority Activities

States have responsibility for the protection of the ground-water resource and EPA has responsibility for the control of certain contamination sources. EPA will provide grant support for State strategy development and technical and management assistance, with the Regions serving as the principal contact with the States.

- * HQ and Regions will continue to refine section 106 State ground-water grant guidelines with final grant guidance available in February. (First/Second Quarters)
- ° Regions will assist States in developing coordinated FY 1988 ground-water work plans and strategies which will assess their ground-water protection problems and develop appropriate protection efforts. (Third and Fourth Quarters)
- * HQ and Regions will jointly conduct three State workshops focusing on elements of successful State ground-water programs. (Ongoing)
- * HQ and Regions will jointly conduct three workshops to foster the capacity to manage the classification guidelines and to implement the findings of the Technical Information Publications (TIPs) such as that developed on septic tanks. (Ongoing)
- ° HQ will issue technical reports on ground-water management in areas such as monitoring, classification, well field protection, and State/local coordination. Topics will be determined with the Regions. (Ongoing)

- * HQ and Regions will carry out activities initiated in 1986 related to aquifer mapping and classification. Technical assistance will be provided to States, in conjunction with the U. S. Geological Survey (USGS) on aquifer mapping as it relates to ground-water quality management and classification. (+)

2. Sources of Ground-Water Contamination - Priority Activities

The Strategy calls for efforts to determine the extent of problems caused by ground-water contamination sources not covered by Federal statutes and to provide assistance to States on appropriate responses.

- * HQ will convene two technical panels to develop expert consensus and to produce Technical Information Publications (TIPs) describing successful practices for dealing with selected unregulated activities affecting ground-water quality, (e.g., unregulated mining, run-off from road salting). Regions will assist in developing the TIPs and in working with the States. (Ongoing)
- * HQ and Regions will work with the Office of Pesticides Programs and the States to implement selected provisions of the Agricultural Chemicals in Ground-Water Strategy. (Ongoing) (+)
- * HQ and Regions will implement the ground-water monitoring strategy and hold meetings with States to address major provisions. (First Quarter/Ongoing)
- * HQ will develop a ground-water data program capable of storing and analyzing ground-water quality data collected by EPA, States, and private industry which will be linked to other ground-water related systems (e.g., USGS). (Ongoing) (+)

3. Guidelines for Ground-Water Protection - Priority Activities

EPA will issue guidelines based on a three-tiered classification system taking into account the value and relative vulnerability of the resource. Guidelines will apply to new and, over time, existing ground-water programs.

- ° Regions will assist States in implementing guidelines through technical assistance, workshops and other vehicles, as needed. (Ongoing)
- ° HQ and Regions, working with RCRA and Superfund, will assess EPA ground-water regulations, guidelines, and policy statements and propose revisions to improve the consistency of ground-water programs. (Ongoing)

- HQ will work to apply the ground-water classification, monitoring, and other concepts of the strategy for nonpoint sources. (Ongoing) (+)
- * HQ and Regions will work with States that have ground-water classification systems to help achieve the equivalence of the State systems to EPA's so that the State system can be applied to EPA programs in lieu of EPA's approach. (Ongoing) (+)

4. EPA Ground-Water Focus and Coordination - Priority Activities

EPA established ground-water offices in Headquarters and the Regions. Using the strategy and other mechanisms EPA will assure coordination among ground-water programs.

- HQ and Regions will manage internal coordination committees to address major policy questions and to fully integrate Regional ground-water operations. External coordinating committees will be managed to involve key constituency groups such as State/local governments and other Federal agencies. (Ongoing)
- HQ and Regions will manage MOU's with the U.S. Geological Survey and the Bureau of Reclamation to enhance collaboration in achieving ground-water protection goals. (Ongoing)
- Headquarters will represent EPA with the National Ground-Water Commission to be established under the RCRA reauthorization. (Ongoing)
- HQ will continue a public information program to inform the public on ground-water issues and EPA protection initiatives. (First Quarter/Ongoing) (+)
- ORD will continue to provide both technical information and improved methods for predicting contaminant movement, transformation, monitoring and aquifer reclamation including developing laser-induced fluorescence for monitoring ground-water by fiber optics. (+)
- ORD will conduct studies to determine the effects of seasonal variation and sampling frequency on the accuracy and confidence of ground-water monitoring. (+)
- ORD will continue to focus on methods development and studies of subsurface transport and fate processes such as sorption, biological transformation, redox and hydrolysis. (+)
- ORD will conduct research to determine the cost-effectiveness of in situ aquifer restoration techniques, leading to cleanup where previously the cost was prohibitive. (+)

C. MARINE AND ESTUARINE PROTECTION AND GREAT LAKES PROGRAMS

Title I of the Marine Protection, Research, and Sanctuaries Act (MPRSA) regulates the transportation and ultimate disposal of materials in ocean waters. Its purpose is to prevent or limit disposal of harmful materials and to establish a permit program for disposal of dredged and other materials. Clean Water Act (CWA) provides for protection of marine, estuarine, and Great Lakes water quality, including permitting secondary treatment variances which comply with criteria, evaluating compliance of ocean discharges with established criteria, and conducting targeted programs to deal with major environmental problems.

These activities are responsive to the Agency's environmental goal to maintain and improve water quality and also the goal to protect near coastal waters. The programs are supported by Office of Research and Development, including development of assessment procedures for ocean disposal of waste, procedures for wasteload allocations to improve estuary source control decisions and study of transport, fate, and effects of toxics in Great Lakes. Some activities result from problems cited in 1985 Environmental Management Reports, including national data management system for estuaries, monitoring for 106 Mile Ocean Disposal Site, and improved site designation for ocean disposal.

1. Ocean Disposal Program

MPRSA required that the Agency establish criteria for ocean disposal, which are in Agency regulations that establish a two stage process for site designation and permit issuance.

MPRSA provides authority to designate sites and times for ocean disposal of acceptable materials and any critical areas where disposal may be prohibited. Upon delegation of authority, the Regions will assume site designation authority (except for incineration-at-sea) and responsibility for attendant site designation rule making and final decision packages. The Agency has begun evaluating sites for incineration-at-sea, and HQs will continue to be responsible for designating incineration-at-sea sites.

MPRSA §102 requires EPA to establish and apply criteria in review and evaluation of incineration-at-sea and other non-dredged materials permit applications. EPA reviews dredged material permits prepared by Corps of Engineers based on EPA criteria.

a. Site Designation - Priority Activities

- ° Regions, with EPA HQs assistance, will continue to conduct field surveys to analyze impacts of waste disposal at existing waste disposal sites. (Ongoing)
- ° EPA HQs, having delegated disposal site designation authority to Regions (except for incineration-at-sea), will continue to provide guidance for preparing environmental assessments and making designation decisions. (Ongoing)

- EPA HQs and Regions should complete activities in Memoranda of Agreement with Corps of Engineers on resources to designate dredged material sites. (Ongoing)
- EPA HQs will continue providing technical support to Regions for developing environmental assessments or impact statements and for continuing site management. (Ongoing)
- * EPA HQs will conduct incineration-at-sea site monitoring to establish baseline data and to ensure adequate site management. (Ongoing)
- Regions will prepare environmental assessments or impact statements and site designation rule-making packages, issue permits, and conduct monitoring reviews for site management. (Ongoing)

b. Permit Issuance - Priority Activities

- * EPA HQs will develop revisions to ocean dumping regulations in response to two law suits and statutory amendments, and will develop technical guidance for the revised regulations. (Ongoing) (-)
- EPA HQs will implement a research strategy for incineration-at-sea permits in cooperation with Office of Research and Development and permit applicants. (Ongoing)
- * EPA HQs will develop and implement incineration-at-sea regulations and, as appropriate, will develop and issue incineration-at-sea permits. (Ongoing)
- EPA HQs will support monitoring activities necessary for evaluation of permit compliance in cooperation with U.S. Coast Guard, and take necessary enforcement action. (Ongoing)
- Regions will review Corps of Engineers public notices for ocean disposal permits for dredged materials for compliance with EPA ocean disposal criteria. (Ongoing)
- Regions will review ocean disposal permit applications, require field and laboratory tests to evaluate wastes on case-by-case basis, conduct needed hearings, require monitoring to evaluate permit compliance, and take necessary enforcement action. (Ongoing)
- Regions will review and make determinations on research and emergency ocean disposal permit applications. (Ongoing) (+)

2. Programs for Chesapeake Bay, Estuaries and Great Lakes

In FY 1987, EPA will continue ongoing basin-wide programs in the Chesapeake Bay, Great Lakes, and support for study and planning initiatives for selected State and local estuary programs.

National estuary program funds will again be distributed under cooperative and interagency agreements with individual estuary program participants. In FY 1987, emphasis will be on completion of characterization of environmental status and trends and on development of master environmental plans.

a. Chesapeake Bay - Priority Activities

- * Chesapeake Bay States, with Implementation Committee and Liaison Office, will continue to implement 1985 Chesapeake Bay Restoration and Protection Plan. (Ongoing)
- ° EPA HQs and Region will continue to coordinate EPA and other Federal programs for surface water toxics, loss of environmentally sensitive areas, and ground-water contamination affecting Chesapeake Bay. (Ongoing)
- ° EPA HQs and Region will provide Bay States with technical and funding assistance for controlling nonpoint pollution sources and maintaining data base. (Ongoing)
- ° EPA HQs and Region will support State monitoring programs for Bay's mainstem and key tributaries to assess water quality problems and evaluate abatement programs, and target inspections and enforcement actions on sources in Bay area. (Ongoing)
- ° Region, with Bay States, will develop Phase II Implementation Program to be completed in three years. (Ongoing) (+)

b. National Estuary Program - Priority Activities

- ° EPA HQs will develop criteria for selection of additional estuaries. (First quarter)
- ° EPA HQs will provide technology transfer to assist programs with guidance and state-of-the-art science and methodologies. (Ongoing) (-)
- ° Regions, with EPA HQs, will assist estuary program participants in implementing national guidance. (Ongoing) (+)
- ° Regions and EPA HQs will develop data evaluation systems to complete characterization of status and trends, to define pollution and resource problems, and to identify management initiatives. (Ongoing)
- ° States and program participants, with EPA HQs and Regions assistance, will carry-out estuary projects funded under FY 1986 workplans. (Ongoing) (+)

- * States and program participants will conduct characterization of status and trends, assessment of living resources, and preparation of information and presentation materials on each estuary program. (Second and third quarters) (+)
- ° Regions, with EPA HQs assistance, will develop funding agreements with program participants from approved FY 1987 annual workplans to address and carry-out workplan elements. (Second quarter) (+)
- ° EPA HQs and Regions will continue to coordinate with NOAA and other federal agencies on research and monitoring activities in estuaries. (Ongoing)

c. Great Lakes (GL) - Priority Activities

- ° Regions and GL States will participate in activities of International Joint Commission (IJC) and IJC Water Quality Board and track U.S. progress in meeting terms of GL Water Quality Agreements. (Ongoing)
- ° GL States will continue to implement phosphorus load reduction plans for Lake Erie, Lake Ontario, and Saginaw Bay, and participate in 1988 bi-national review of progress in reaching the target loads. (Ongoing) (+)
- ° Regions and GL States will continue to investigate and report remaining effluent toxicity from point sources in GL Basin, including toxicity testing for major municipal treatment plants, major iron and steel sources, petroleum refineries, chemical manufacturers, and pulp and paper mills. (Ongoing)
- ° Regions and GL States will continue to investigate and report effluent concentrations and quantities of top priority compounds identified by IJC, consisting of the eleven primary track compounds identified to date, and will complete for appropriate industrial categories as part of permit reissuance process. (Ongoing) (+)
- ° Regions and GL States, supported by GL National Program Office, will continue to emphasize implementation of action plans and related U.S.-Canadian initiatives for toxics monitoring and control programs for Niagara River. (Ongoing) (+)
- ° GL States will complete and implement remedial action plans for areas of concern, updating plans as needed, and including development of plans and measures for addressing in-place pollutants and combined sewer overflows. (Ongoing) (+)

- ° Regions and GL States will implement GL Monitoring Strategy (+)
Strategy, including the redesigned GL Atmospheric Deposition
network. (Ongoing)
- ° Regions, with GL State support, will continue to undertake,
in support of toxic chemical mass balance, studies to deter-
mine the contribution of toxicants from poorly quantified
sources, such as groundwater, landfills, and pesticides from
agriculture, and undertake mass balance modeling efforts for
Green Bay and/or Saginaw Bay. (Ongoing)
- ° EPA HQs, Regions, and Great Lakes States will support IJC Water
Quality Board in developing U.S.-Canada priority ranking of
toxicants in GLS having adverse effects on human health and
ecosystem. (Ongoing)

3. Marine Discharge (§301(h)) Variances - Priority Activities

CWA §301(h) authorizes EPA to allow publicly owned treatment works (POTW) to discharge into marine waters with less than secondary treatment, if certain criteria are met.

- ° Regions will review 301(h) applications, issue decisions and permits expeditiously, and assure that POTWs implement approved monitoring programs, including appropriate quality assurance planning. (Ongoing)
- ° EPA HQs will provide overview, guidance, contractor assistance, and national task force support to maintain national consistency for 301(h) decision process and monitoring programs. (Ongoing)
- ° EPA HQs will assist Regions in managing and analyzing an increased volume of monitoring data. (Ongoing)

4. Ocean Disposal (§403(c)) Criteria Evals. - Priority Activities

CWA §403(c) requires that EPA evaluate ocean discharge permits on the basis of Agency criteria developed for activities requiring such permits, including marine point source discharges of municipalities and industries and oil and gas operations on the outer continental shelf.

- ° Regions, with EPA HQs guidance and policy and technical (+)
assistance, will prepare Ocean Disposal Criteria Evaluations
for oil and gas operations on the outer continental shelf.
(Ongoing)

D. CLEAN WATER ACT PROGRAMS

The Clean Water Act (CWA) provides a comprehensive structure for water pollution control. The Act provides for establishing technology-based and where necessary, water quality-based controls for point sources of pollution, establishment of water quality standards, monitoring to assess water conditions and trends, and water quality management (WQM) planning to analyze problems and design needed control measures. EPA and State agencies implement a permit and enforcement program for municipal and industrial dischargers. In addition, the Clean Water program provides grants to municipalities for construction of wastewater treatment facilities and State program assistance.

1. Cross-Program Management Initiatives

During FY 1987 the Agency will pursue two cross-program management initiatives to more systematically address key environmental concerns: implementation of the National Municipal Policy (NMP) and sewage sludge management.

a. National Municipal Policy: An Overview of Roles and Responsibilities

A top Agency CWA priority during FY 1987 is for EPA and the States to move aggressively to achieve as much compliance as possible by July 1, 1988, under the National Municipal Policy. FY 1987 is a year that presents some interesting challenges to the Federal/State partnership in water programs. First, FY 1987 is the time when administering agencies will be following through to complete filed cases and when municipalities may begin to miss the milestones in their enforceable schedules. As this happens, administering agencies may face relatively large enforcement workloads. This calls for the EPA Regions and States to work side-by-side to handle the workload cooperatively and efficiently, and to look for better ways to approach jobs such as responding in a timely and appropriate manners to compliance schedule violations.

Second, FY 1987 is the year in which administering agencies accelerate their efforts to get minor POTWs on enforceable schedules, with special attention on municipalities that receive Federal grants and on unfunded POTWs that are contributing significantly to water quality impairment. In dealing with unfunded municipalities, administering agencies need to exhibit great sensitivity to their special problems and needs. In working with these communities, for example, every effort should be made to provide them with available technical information on financial capability assessment and on alternative, less costly wastewater treatment technologies. It is also important to develop reasonable, expeditious schedules, even if that means court-approved orders to go beyond July 1, 1988.

Meeting the Agency's FY 1987 NMP goals also calls for close cooperation across key organizational units at Headquarters and in the Regions, especially construction grants, permits and enforcement. The NPDES compliance and enforcement program has overall responsibility for managing the NMP effort, including: assuring that permits contain appropriate final effluent limits; issuing or obtaining enforcement orders to require compliance; monitoring whether POTWs meet the milestones in these orders; and escalating enforcement actions as necessary. EPA Headquarters is responsible for contractor assistance and guidance for compliance support activities, including financial capability analyses and other technical and legal support for selected NMP cases (see page 30 for the specific activities).

The construction grants program has major responsibilities in several areas. It will continue to provide assistance to help States and local governments pursue sound alternative funding mechanisms. The program will also work directly with affected municipalities. For POTWs that receive (or are expected to receive) Federal funding, these activities include: precertifying potential grantees in advance of actual grant awards to speed up the process; ensuring that construction and compliance schedules are reasonable, expeditious, and consistent; monitoring schedules and taking program action where necessary; and reporting major slippage beyond July 1, 1988, to the enforcement program. Where fully constructed POTWs are not operating in compliance with their final effluent limits, the program will provide onsite compliance assistance to selected small POTWs and will review grantee project performance certifications, assisting as appropriate in development of corrective action programs.

For unfunded municipalities, the construction grant program responsibilities include: making technical information on financial capability assessment and treatment technology available; and reviewing Municipal Compliance Plans (MCPs) and making determinations on the accuracy and reasonableness of the proposed solutions, schedules, and financing mechanisms. (see page 36 for specific activities)

b. Sewage Sludge Management

Section 405(d) of the Clean Water Act requires the Administrator to publish regulations providing guidelines for the disposal of sewage sludge and the utilization of sewage sludge for various purposes. Based on the statute, recommendations of the Sludge Task Force which studied sludge management issues from 1982 to 1984, and the "Policy on Municipal Sludge Management" (49 FR 24358; June 12, 1984), EPA is developing additional technical criteria governing sludge management activities, and requiring States to develop programs, or improve existing ones, to assure that wastewater treatment works, and others that generate or use sewage sludge, follow the technical criteria.

The Office of Municipal Pollution Control (OMPC) is developing the State Sludge Management Program Regulations (40 CFR Part 501) and the Office of Water Regulations and Standards (OWRS) is developing the technical criteria governing sludge management practices (40 CFR Part 503). These regulatory development activities are being coordinated with related program activities in the Office of Marine and Estuarine Protection (OMEP), the Office of Water Enforcement and Permits (OWEP), and the Office of Air and Radiation. (OAR)

Activities of the Office of Solid Waste and Emergency Response related to the implementation of the Hazardous and Solid Wastes Act of 1984 may affect sludge management practices. The revision of the extraction procedure (EP) test, the "land disposal ban rule", and application of the "permit by rule" and "corrective action provisions" to wastewater treatment works are the most significant activities. The Office of Water is working closely with the Office of Solid Waste and Emergency Response on these and other issues. The goal is to have sewage sludge regulated under the CWA except for those cases in which sewage sludge is co-disposed with solid wastes in landfills where regulations under the Resource Conservation and Recovery Act would govern.

For the purpose of this discussion, sewage sludge means the residuals from wastewater treatment works treating primarily domestic sewage. Not included are residuals from privately-owned wastewater treatment works operated in conjunction with industrial manufacturing and processing facilities. Current estimates are that about 7 million dry tons of sewage sludge are generated each year by domestic sewage treatment works. This figure is expected to double by the year 2000 as more sewage treatment facilities are upgraded and go into operation.

Sludge-Management - Priority Activities

- ° EPA Headquarters (OMPC) intends to publish the final State Sludge Management Program Regulations (40 CFR Part 501) in FY 1987. (Second Quarter)
- ° EPA Headquarters (OWRS) plans to publish the final sludge technical regulations (40 CFR Part 503) in FY 1987. (Fourth Quarter)
- ° EPA (OWRS/OMPC/ORD) will conduct seminars to assist the Regions and States in the implementation of both the Part 501 and Part 503 regulations. (Ongoing)
- ° EPA Headquarters (OWRS/ORD) will begin evaluation of additional pollutants of concern which will be subjected to the risk assessment methodology and potential for regulation in FY 1988. (Ongoing)

- ° States should be developing an inventory of sludge use and disposal facilities. The inventory should provide an estimate of the quantity/quality of sludge being handled at each facility, summarize the quantity/quality of sludge being handled by each of the major sludge use/disposal practices, and identify projects not in compliance with applicable regulations and what actions are being taken to bring them into compliance. States should develop the inventory whether or not the final State Sludge Management Program Regulations have been published. (Ongoing)
- ° States should be assessing their current sludge management programs and determining what, if any, improvements are necessary to comply with the State Sludge Management Program Regulations. Regions should be prepared to assist the States in this effort. (Ongoing)
- ° States and Regions should cooperate in developing a schedule for the orderly submission and approval of State programs to avoid overloads and delays. It may be possible for some States to submit their programs to the Region within six months after the final State Sludge Management Program Regulations are published. (3rd Quarter)
- ° Regions and States should ensure that existing and new construction grants projects are consistent with sound sludge management practices and applicable regulations (e.g. 40 CFR part 257). (Ongoing)
- ° Headquarters will, in cooperation with Regions and the States, develop appropriate compliance and enforcement guidance to support the sludge management program. (4th Quarter)
- ° Regions and States should assess sludge management activities in conjunction with National Pollution Discharge Elimination System (NPDES) pretreatment inspections to determine POTW compliance with applicable sludge disposal criteria. (Ongoing)

2. Water Quality Standards, Planning and Assessment

Clean Water Act programs directly implement the Agency goal to maintain and improve water quality by addressing point and non-point sources (NPS) of pollution. In the point source area, OWRS will continue to support the application of technology-based effluent guidelines and the development and incorporation of toxic criteria into water quality standards. In cases where these technology based limitations are not adequate to achieve water quality standards, we will continue to push implementation of post BAT controls using chemical-specific and biomonitoring methods to develop water quality based permit limitations.

Nonpoint source controls are needed to meet water quality goals in many areas and comprise, along with point source controls, an essential element of control strategies. Water programs will place greater emphasis on improving State NPS assessments, strengthening State and local NPS management programs and accelerating State and local implementation of site-specific NPS controls. Although the NPS problem is documented, resources are limited (106, 205(j), and the estuary program). Therefore, EPA and the States need to work with other programs and other agencies to encourage their participation in the NPS effort.

In support of the Agency priority to focus on critical water quality problems, water quality management (WQM) planning will play an increasingly important role. Priority waterbody lists should be used by the Regions and States as a management tool to direct resources to those areas with the highest water quality improvement returns, to highlight coordination between programs and to assure that necessary activities are properly sequenced.

a. Water Quality Standards & Criteria - Priority Activities

Water quality standards (WQS) set the goals to be attained and maintained based on designated uses of a waterbody. If technology based controls are inadequate to protect designated uses from the impacts of toxic and other pollutants, the standards are the basis for determining: (1) the need for more stringent treatment to control point sources; and/or (2) best management practices (BMPs) needed to control nonpoint sources.

In FY 1987, EPA will provide technical assistance to the States and tribal governments on determining attainable WQS through guidance documents and seminars, reviews of WQS, and assistance in developing criteria for pollutants where toxicity data is limited. In 1987 EPA will accelerate development and issuance of water quality criteria and advisories for aquatic life and human health to help Regions and States determine appropriate protection levels for toxic and other pollutants.

- * Regions will assist States to incorporate water quality criteria and/or narrative standards for toxic pollutants into State WQS, including free-from implementation procedures. (Ongoing)
- ° EPA Headquarters, with support from the Regions, will promulgate water quality standards in States that don't comply with EPA regulations. (Ongoing)
- ° Regions will provide technical assistance to States for identifying waters where toxic and other pollutants may be adversely affecting water quality, or precluding the attainment of a designated use. (Ongoing)

- ° EPA Headquarters will develop freshwater aquatic toxicity and human health criteria and advisories; develop marine and estuarine criteria and advisories. (Ongoing)
- * Regions will work with the States to ensure that antidegradation methods are implemented according to EPA policies. (+)
(Ongoing)

b. Monitoring & Wasteload Allocations (WLA) - Priority Activities

Data generated from monitoring efforts are used to support water pollution control and program planning decisions at several levels, including issuance of the third round of NPDES permits. In FY 1987 activities will continue to focus on the identification of waters where uses are not fully attained and where controls for toxics are needed using either pollutant-specific or bio-monitoring techniques. Emphasis will be on controlling toxic pollutants.

In FY 1987 States will continue to implement the water monitoring strategy, the Guidance for State Monitoring and WLA Programs, and use environmental indicators and procedures to measure water quality trends. EPA will assess the extent and severity of persistent bioaccumulative pollutants and sediment contamination. Where appropriate, States should develop Data Quality Objectives (DQO) for their monitoring activities and include these in work/project quality assurance plans.

ORD will continue to support monitoring and WLA activities by evaluating aquatic ecoregions as one approach for estimating the ecological potentials of attainable uses. For site specific controls, ORD will assess ways to couple the single chemical approach with the toxicity reduction approach based on bio-monitoring techniques. ORD will also conduct research to determine the effects of pollution on infectious diseases transmitted through shellfish to humans.

- ° States will conduct activities necessary for water quality assessments to support preparation and submittal of FY 1988 305(b) reports. (Ongoing)
- * States will identify all waters needing water quality based controls for toxics and non-toxics and report this information to EPA in 305(b) reports, FY 1987 WQM work programs, or FY 87 205(j) assessment updates. (+)
(Ongoing)

- * States will develop needed water quality based controls (i.e., TMDLs/WLAs/LAs) for toxics and non-toxics and submit them to EPA for review and approval. Target is 20% or more of waters known to need controls as of beginning of FY 1987. (-)
- * Regions will ensure that States have approved technical procedures for conducting and approving TMDLs/WLAs, and will track the number of waters with approved WLAs/TMDLs for toxics. (Ongoing) (+)
- ° Regions will review State work programs (including monitoring checklists) to ensure conformance with EPA guidance and will conduct audits to assess States accomplishments. (Ongoing) (+)
- ° EPA Headquarters will provide guidance, technical assistance, and workshops on monitoring and WLA program activities and will continue to provide data system support. (Ongoing)
- * Regions will ensure that States have developed agreed upon environmental indicators and procedures to measure water quality trends. (Ongoing) (+)
- ° Regions will complete field sampling for the bioaccumulative study and initiate pilot scale sampling for the sediment study. (Second Quarter) (-)

c. Water Quality Management (WQM) Planning/Priority Waterbodies-Priority Activities

State WQM plans provide the basis for setting priorities, analyzing problems, considering alternatives, and making WQM decisions. Using data from 305(b) reports, WQM plans and monitoring activities, States will assure that their priority waterbody lists reflect their most critical and solvable water quality problems or preservation areas and will use the lists as a basis for determining priorities for WQM grant funds.

States should update WQM plans to reflect changing water quality conditions, to incorporate significant new water quality efforts or products and to fulfill NPDES permit and construction grant consistency review requirements.

- * States will update their priority waterbody lists as necessary and will use them as part of their management approach to achieve environmental results. (Second Quarter)
- ° States will update and use WQM plans to establish priorities, direct activities to achieve water quality goals, conduct consistency reviews, and make pollution control decisions. (Ongoing)

d. Nonpoint Source (NPS) Management - Priority Activities

EPA will continue to implement the EPA NPS Strategy (Feb.'85) by providing national leadership among Federal agencies and oversight and guidance to State/local NPS programs; by ensuring that other Federal agencies support both their national strategies and State and local NPS objectives through their technical expertise, existing delivery systems, financial resources and land management authorities; by collaborating with other EPA program offices (e.g. estuaries, ground-water, and pesticides) on such items as guidance/requirements for agricultural chemicals management practices); and by providing technical assistance and support to State and local NPS managers and, where appropriate, to Indian leaders. Estuary programs will continue to provide the major source of BMP demonstrations and institutional approaches to NPS.

- * Regions will support and assist States and local agencies in identifying and establishing priority for NPS problems, in developing comprehensive NPS management programs and in implementing NPS controls within specific priority waterbodies. (Ongoing)
- ° EPA Headquarters will provide national leadership/oversight for FY 1987 Regional, State and local NPS activities; strengthen the support of other Federal agencies (e.g. Departments of Agriculture and Interior) for State and local NPS objectives; collaborate with other EPA offices (particularly the estuary and ground-water programs) on NPS issues of mutual concern; provide technical assistance and technology transfer to EPA Regions, States and local agencies in such areas as data evaluation and analysis, targetting of priority waterbodies, and design/start-up/evaluation of specific control systems; and initiate development of a national clearing-house/reference center for information about state-of-the-art NPS assessment, control and management techniques and approaches. (Ongoing)

3. Water Permits and Enforcement

A top FY 1987 CWA priority is for Regions and NPDES States ("administering agencies") to continue aggressive NPDES municipal enforcement to achieve as much compliance as possible by the July 1, 1988, deadline consistent with the tenets of the National Municipal Policy. In addition, EPA will focus on toxics control through full implementation and enforcement of pretreatment requirements and reissuance of NPDES major and significant minor permits, with emphasis on establishing and enforcing water quality-based permit requirements for toxics, as well as best available technology (BAT) requirements.

a. Permits - Priority Activities

The Agency's goal in the third round of NPDES permitting is to eliminate toxicity in receiving waters that results from point source discharges. Both industrial and POTW dischargers will be required to routinely screen all effluents suspected of being toxic, using chemical or biological testing techniques to determine the extent and cause of any toxicity that may have adverse effects on the receiving water quality. In accordance with the results of such analyses, administering agencies will establish permit limits consistent with the Policy for Development of Water Quality-based Permit Limitations for Toxic Pollutants, national BAT/BCT effluent guidelines, and best professional judgment, where appropriate. In appropriate cases, current permits will also be reopened to include limits for toxics. (-)

In addition, each Region and State with a backlog of expired minor permits will follow its strategy (developed in FY 1986 in accordance with the National Minor Permit Issuance Strategy) for reducing/eliminating that backlog. EPA headquarters and Regions will continue to implement the Permit Quality Review program to assure the basic integrity of the NPDES permit program. (See State Overview section) (-)

Consistent with the national goal of eliminating toxicity from point source discharges, the NPDES permit program will aggressively implement new State water quality standards and wasteload allocations for toxic pollutants, will assure proper protection of surface water quality in any CERCLA action involving a discharge to surface waters or POTWs, and will impose best management practices (BMP) requirements in permits for toxics dischargers as necessary and appropriate. In addition, the national anti-degradation policy will be implemented in all States. (+)

* EPA (OWEP) will prepare a National Third Round Permit Policy to address water-quality based permits for toxics. (First Quarter) (+)

* Regions/States will issue major permits to incorporate toxics controls, acting promptly in the last 6 months of an expiring permit term to avoid a recurrent backlog. (Ongoing) (-)

* Regions/States will complete reopeners scheduled for FY 1987, and will modify other major permits as needed to impose necessary and appropriate toxic controls. (Ongoing)

° EPA will provide technical assistance to implement effluent guidelines and develop water quality-based permit limits/monitoring requirements (including whole effluent biomonitoring). (Ongoing)

- * Regions/States will reissue/modify municipal permits to address any effluent toxicity and incorporate: approved/modified pretreatment programs and related requirements for reporting; removal credits, where appropriate; monitoring for toxics; determinations under the secondary treatment regulation; and final §301(h) decisions. (Ongoing) (-)
- * Regions/States will issue general/individual permits to minor dischargers consistent with State strategies developed in FY 1986. (Ongoing) (-)
- ° Regions/States will resolve outstanding variance and evidentiary hearing requests to assure enforceability of NPDES requirements. (Ongoing)
- ° Regions/States will identify CWA requirements associated with Superfund site cleanup. (Ongoing) (+)

b. Enforcement - Priority Activities

The FY 1987 goals under the NMP are to complete filed enforcement cases against major POTWs, to track and respond to POTW noncompliance with milestones in enforceable schedules, and to accelerate issuance of enforceable schedules to affected minor POTWs. Administering agencies will take enforcement actions against major POTWs based on the Enforcement Management System (EMS) and the FY 1987 National Guidance for Oversight of NPDES Programs. Where noncompliance with existing administrative orders (AOs) involves major slippage beyond July 1, 1988, the presumption is that judicial orders will be required; if there is a significant workload, administering agencies should rank potential cases based on past violations, water quality and public health impact, and grant funding. (-)

To support the Agency's CWA priorities on toxics control, administering agencies will direct industrial enforcement efforts to tracking schedules and enforcing BAT requirements for toxics and water quality-based permit requirements. Regions and NPDES States will use compliance monitoring and assessment activities to support this emphasis on toxics control, and will conduct toxics inspections. (-)

To improve protection of waters and aquatic resources from chemical and physical destruction, Regions and States will increase enforcement against unpermitted discharges of solid waste to waters, including wetlands. (+)

In FY 1987, all Regions will use PCS directly as the national data base for the NPDES program, and all NPDES States should either use PCS directly or effectively maintain existing interfaces; States seeking NPDES authority should become direct users of PCS at the time of program approval. Finally, Regions and NPDES States will fully implement the EMS, the Oversight guidance, the Compliance Inspection Strategy, and the PCS Policy Statement. (-)

* EPA/States will complete filed cases, monitor POTW compliance with NMP milestones in AOs/consent decrees/permits, and will initiate/escalate enforcement actions as necessary based on the priorities in the NMP and consistent with procedures in EMS/Exceptions List/Oversight Guidance. (Ongoing) (-)

* Regions/States will place priority on industrial compliance/enforcement activities related to BAT/water quality-based requirements for toxics. (Ongoing) (+)

° Regions will ensure that EPA municipal/industrial referrals/consent decrees contain appropriate components/civil penalties consistent with the CWA penalty policy. Where dischargers violate consent decrees, Regions will respond with stipulated penalties, contempt proceedings, decree modifications, and/or additional compliance monitoring requirements. (Ongoing) (-)

° EPA (OWEP/OECM/Regions) will identify program priority areas for criminal cases (false reporting/fraud/significant unpermitted discharges/willful injury to public health and environment), and will provide technical support for such criminal investigations and prosecutions. (Ongoing) (-)

° Regions/States will implement the new Federal Facility Compliance Strategy. (Ongoing) (-)

° Regions/States will use PCS as the national data base for all major NPDES permittees, and will maintain a greater than 95% accuracy rate. (Ongoing) (-)

c. Pretreatment - Priority Activities

The goal of the pretreatment program is to assure removal of toxicity from POTW effluents and to protect against interference with POTW operations. In FY 1987, the program will focus on assuring that treatment is in place in accordance with currently enforceable industrial user (IU) requirements and that additional local limits are developed to address toxic pollutants (§307(a) and others) that are not adequately regulated under existing Federal, State and local law. Regions and approved States will (-)

oversee control authorities (States or municipalities) through audits, inspections, and review of annual reports. The Regions and States will negotiate the appropriate mix of activities based on resource levels and the stage of implementation in FY 1987, giving highest priority to activities associated with the Agency's priority list.

Administering agencies will complete enforcement cases against any POTWs with unapproved local programs. Enforcement actions will be initiated against POTWs that fail to implement approved programs. Assistance and advice will be provided to POTWs experiencing difficulty in the early stages of local pretreatment program implementation. Control authorities will have primary responsibility for enforcement against noncomplying IUs. Administering agencies will initiate IU enforcement actions where necessary, generally in conjunction with enforcement against the responsible POTW that is failing to enforce or as part of an overall strategy to bolster a local program. (+)

* Regions/States will assure that required IU treatment is in place by overseeing implementation of local programs through review of annual reports, audits/inspections, ensuring public notice of violations, and where appropriate enforcing against IUs. EPA, in cooperation with the States, will audit all approved programs over a 5-year period. (Ongoing) (-)

* Regions/States will establish POTW effluent limits and related requirements needed for control authorities to develop local limits for toxic pollutants of concern, and will assure that local limits to prevent pass through and interference are established where needed. (Ongoing) (+)

° EPA (OWEP) will promulgate revised General Pretreatment Regulations, and, in accordance with Pretreatment Implementation Review Task Force (PIRT) recommendations, will issue additional guidance on interference (with ORD), local limits development, and responsibilities of POTWs not required to have local programs and of Regions/States acting as control authorities. (Ongoing) (-)

° EPA (OWEP) will provide technical/contractor assistance to control authorities for program implementation focused on development of local limits/control mechanisms. (Ongoing) (-)

* Regions/States will assure compliance with schedules in permits and enforcement actions; new enforcement actions will focus on POTWs that fail to implement approved local programs/IU violations, as appropriate. (Ongoing) (+)

- * Regions/States that act as control authorities will implement/enforce the pretreatment program consistent with national guidance. (Ongoing) (+)
- ° Regions/States will establish an inventory of IUs where there is no local program, will establish control mechanisms, and will enforce where necessary. (Ongoing) (+)

d. State Program Approval, Review and Oversight-Priority Activities

Effective implementation of the CWA is predicated on a strong Federal/State partnership in carrying out NPDES and pretreatment program activities. In FY 1987, the goal is to further strengthen program integrity by ensuring that all NPDES States meet their statutory obligation to administer the pretreatment and Federal facility programs. Regions will also continue to work with other States to promote full NPDES program approval, and will help NPDES States obtain general permit authority. (-)

Regions, with Headquarters assistance, will continue to review State programs to determine whether current State laws and regulations provide adequate authority to administer and enforce the current national NPDES/pretreatment programs. Regions will work with the States to make any necessary changes. (-)

Regions will negotiate FY 1987 NPDES agreements with their States, and will continue to oversee State program operations consistent with the Oversight Guidance and applicable NPDES regulations. Regions will assure that States implement the national anti-degradation policy, meet national program output objectives, and provide adequate resources and staffing to implement the national program. Regions will encourage State agencies to involve the State Attorneys General (SAGs) in the process, where appropriate, and to establish effective lines of communication to ensure the SAG's general support for EPA's national enforcement priorities. (-)

As a separate but related activity, EPA may support one FY 1987 model project involving an Indian tribe working towards future assumption of NPDES permit and enforcement responsibilities. In the meantime, the Regions will continue to issue the NPDES permits for facilities on Indian lands, as appropriate. (-)

- * Regions will approve remaining State pretreatment/Federal facility programs, will condition FY 1987 grants as necessary, and may begin program withdrawal if States fail to seek full program authority. (Ongoing) (-)
- ° Regions will work with non-NPDES States to take full program authority and with NPDES States seeking general permit authority, and will provide assistance as appropriate. (Ongoing) (-)

- ° Based on State self-evaluations, Regions will review State NPDES programs consistent with national guidance, and will assist States in making necessary changes such as revisions to State laws, regulations, program descriptions, or MOAs. (Ongoing) (-)
- ° Regions will negotiate grants/oversee State NPDES/pretreatment programs based on FY 1987 National Guidance for Oversight of NPDES Programs and applicable NPDES regulations, with special attention to overseeing the six State-run local pretreatment programs. (Ongoing) (-)
- ° Regions will conduct State PQRs of industrial/municipal permits, including pretreatment requirements, will provide constructive feedback on permit program quality and will work to ensure that any needed corrective action is initiated. (Ongoing) (-)
- * EPA will work with States to ensure State water quality standards for toxics are in place for the third round of NPDES permits. (Ongoing) (+)

e. RCRA Activities for NPDES Facilities-Priority Activities

In FY 1987, Regional and State water programs will assist in implementing RCRA requirements that apply to the NPDES program. The three primary activities are: (+)

- Implementing RCRA corrective action requirements at POTWs receiving hazardous waste by truck, rail, or dedicated pipe (for all releases of hazardous waste or constituents from any of the POTW's solid waste management units); (+)
- Acting on industry requests for exemption from double liner requirements for new or expanded landfills/surface impoundments; and (+)
- Implementing recommendations arising from the domestic sewage exemption study by assuring that local limits to control both CWA priority toxic pollutants and hazardous waste are established and implemented under the pretreatment program (See "Pretreatment"). (+)

The extent to which Regional and State water programs will assist in the first two of these activities will depend on FY 1987 RCRA resources and assignments of responsibility. (+)

In carrying out the RCRA corrective action requirements, the Regions and States may be involved in one or more of the following activities: issuing RCRA §3007 letters (the RCRA counterpart to

CWA §308 information requests); determining whether affected POTWs are "in compliance" with NPDES permits for purposes of meeting the RCRA permit-by-rule; determining compliance with other RCRA permit-by-rule requirements; conducting site inspections; and establishing corrective action requirements. Regional NPDES/RCRA programs will work with the States to coordinate implementation of the corrective action requirements with NPDES permit issuance wherever possible. (+)

With respect to requests for exemptions from the RCRA requirements for double liners, the Regions (with State assistance) may be engaged in one or more of the following activities: reviewing applications requesting exemptions from the RCRA requirement for double liner; determining whether a facility uses aggressive biological treatment; and making recommendations for approval and denial based on RCRA §3005(j)(3) criteria. (+)

- ° EPA (OWEP) will promulgate necessary regulatory changes, and will issue guidance to help implement RCRA corrective action requirements. (Second Quarter). (+)
- ° EPA (OWEP) will promulgate needed amendments to the General Pretreatment Regulations to cover results of the domestic sewage exemption study, and will develop implementing guidance. (Fourth Quarter) (+)
- ° EPA will issue guidance on NPDES/RCRA inspections and on issuing RCRA §3008 orders for POTWs not in compliance with NPDES-related RCRA responsibilities. (Unknown) (+)
- ° Regions (with States) will gather information needed to identify POTWs subject to the RCRA permit-by-rule, will review notifications from POTWs, and will establish corrective action requirements for the highest priority POTWs. (Ongoing) (+)
- ° Regions (with States) will review applications for exemptions from RCRA double liner requirements, and will recommend approval/denial. (Ongoing) (+)
- ° Regions/NPDES States will inspect POTWs covered by RCRA and will issue RCRA §3008 orders (or State equivalent actions) or bring court action for POTW noncompliance. (Ongoing) (+)

4. Construction Grants Program

The construction grants program provides grants to municipal agencies to assist in financing the construction of cost effective and environmentally sound municipal wastewater treatment facilities to meet the water quality and public health goals of the Clean Water Act. States also receive funds under section 205(g) to assist in carrying out program implementation responsibilities.

Since Title II of the Clean Water Act is scheduled for reauthorization in FY 1986, a key objective in FY 1987 of Headquarters and Regional Offices is to ensure timely implementation of any amendments. Reauthorization will require significant revisions to the guidance for this program. Additionally, if reauthorization provides for direct program activity with Indian Tribal Governments, Headquarters will then develop timely procedures for implementing this program.

Regions will work closely with States to amend delegation agreements, promote the understanding of and assure the capability to carry out any new activities, and address future issues.

In FY 1987, the construction grants program will focus on six key objectives:

- a) manage the transition to State and local self-sufficiency to ensure compliance with the CWA;
- b) ensure effective State/Regional management;
- c) ensure effective construction and program integrity;
- d) expeditiously complete and closeout projects;
- e) improve program management; and
- f) improve the performance of treatment facilities.

a. Transition to State and Local Self-Sufficiency - Priority Activities

The construction grants program will continue to provide assistance to help States and local governments pursue sound alternative funding mechanisms for construction of wastewater treatment facilities, including State-financed revolving funds. To promote self-sustaining operation and maintenance, and to protect the substantial Federal investment in municipal wastewater treatment, Regions and States will continue to ensure that current and prior grant recipients have advanced the resources within their financial capability to meet the required local share and to provide for long-term operation, maintenance, and replacement of the POTW following initial construction. (-)

The Construction Grants program will continue its implementation of the NMP in cooperation with the permit and enforcement program. Emphasis will be placed on the improved management of project schedules with particular focus on bringing projects affected by the policy expeditiously through to completion of construction. (-)

- ° HQ and the Regions will develop regulations/guidance to implement the 1986 Clean Water Act reauthorization, if enacted. (+)
(Ongoing)
- ° Regions and States will review grant applications to determine whether proposed facilities are consistent with the Financial Management Capability Policy. (Ongoing)
- * Regions and States will ensure effective coordination between construction schedules and compliance schedules, and will implement effective strategies for developing and managing project schedules for all municipal treatment works to ensure consistency and coordination with the National Municipal Policy. (+)
- * Regions and States will coordinate with the enforcement program in working with municipalities that are required to develop Municipal Compliance Plans (MCP's) under the National Municipal Policy. (Ongoing)

b. Effective State/Regional Management - Priority Activities

EPA will continue to work with States to ensure full and effective delegation of construction grants management, and to refine oversight systems and approaches consistent with the Policy on Performance-Based Assistance.

- ° Regions and States will implement the Agency policy on delegation and overview, and the applicable regulations of 40 CFR Part 35, Subparts A and J, including the negotiation of an annual work program, overview plan, annual on-site performance evaluation, and a performance-based program grant. (Ongoing)
- ° Headquarters will evaluate Regional management of delegation to ensure consistency with National Policy. (Ongoing) (+)
- ° Regions will oversee the Corps of Engineers Interagency Agreement to see that workplans address priority needs and that workplan commitments are achieved. The Corps will emphasize training of selected States to maintain delegation of construction management. (Ongoing)

c. Effective Construction/Program Integrity - Priority Activities

In FY 1987, a high national priority will be the timely completion of quality construction projects that are within budget. Continued emphasis will be placed on the improved management of project schedules to bring projects expeditiously through construction, the initiation of operations, and project performance certification. EPA will continue to place emphasis on assisting States in refining priority funding systems and lists (-)

consistent with water quality, public health, and NMP objectives. Improved priority funding systems will result in a better targeting of grant resources. EPA will also continue to improve its capability to document and predict water quality improvements resulting from the Construction Grants Program. Headquarters will provide computerized tools and systems for Regional/State use in documenting water quality improvements associated with construction grant funding.

In FY 1987, EPA will continue to work with States and municipalities to help develop and implement self-financing techniques. In addition, EPA will continue technology transfer to improve technical and financial management of treatment projects.

(+)

Substantial attention is being directed by the Construction Grants and ORD programs to provide information to the States and the grantee community to assure that municipalities benefit from the experience gained in dealing with various technologies and project management systems.

- ° Regions and States will conduct and evaluate Construction Management Evaluations (CME's) and Project Management Conferences (PMCs) to assure that grantees have adequate management capability to construct and operate projects, and improve pre-award, preconstruction and on-site construction management. (Ongoing) (-)
- ° Regions and States should place particular emphasis on ensuring that previously phased/segmented projects proposed for 75 percent funding are carefully scrutinized to assure that the "grandfathering" provisions of Title II and 40 CFR Part 35 are properly carried out. (Ongoing) (-)
- ° Regions and States will manage the preconstruction phase to ensure that construction initiation dates are met. (Ongoing) (-)
- ° Headquarters and Regions will implement improved management procedures based on the findings of FY 1986 Internal Control Reviews. (Ongoing)
- ° Regions and States will manage the I/A Technology, Rural Grants, and the Value Engineering (VE) programs. (Ongoing)
- ° Headquarters and Regions will continue to implement positive management initiatives to prevent waste, fraud and mismanagement including a cooperative effort with the OIG on the assessment of grant project bid-rigging. (Ongoing) (+)
- * Regions will work with States to implement needed revisions to State priority systems and lists, to maintain water quality and public health emphasis, and to maximize municipal compliance. (Ongoing) (+)

- ° Headquarters will evaluate the use of the Reserve Capacity Guidance to ensure that the present capacity limitations in the CWA are implemented. (Ongoing) (+)
- ° Headquarters will develop and disseminate information on innovative, alternative, and conventional wastewater treatment technologies which have been determined to be cost effective as well as those which have had operational difficulties. Regions and States will ensure the dissemination of this information to municipalities that need to construct wastewater treatment facilities in compliance with the CWA. (Ongoing)
- ° HQ and Regions will work with States to help establish and implement methods for evaluating environmental results of the Construction Grants Program. (Ongoing) (+)
- ° EPA Headquarters will evaluate AT projects with incremental cost over \$3 million to ensure significant water quality improvement, and will oversee Regional and State AT project reviews conducted under the AT Review Policy to determine (a) which Regions qualify for AT Review responsibility involving projects with incremental AT costs greater than \$3.0 million, and (b) whether the Regions which are already assuming such responsibility, comply with the Policy. (Ongoing) (-)
- * EPA Headquarters will complete a municipal lagoon study to determine the impact of existing lagoons on ground water quality, leading to a report to Congress in November 1987.

d. Completed Projects - Priority Activities

Continued emphasis will be placed on the elimination of current backlogs and the prevention of new backlogs. Regions and States will continue to place a high priority on resolving issues which are causing delays on projects.

- ° Regions and States will manage grants efficiently to ensure that preconstruction lags or completion backlogs do not occur, that projects are completed and closed-out in a timely manner, and that the level of unnecessary unliquidated balances continues to be reduced. (Quarterly)
- ° Regions and States should continue to implement the Claims Management Guidance. (Ongoing)
- * Regions and States will ensure that projects awarded before 12-29-81 are administratively complete within 12 months of physical completion, and that grants awarded after 12-29-81 are administratively completed within 18 months of initiation of operations. In addition, all Step 1 and Step 2 grants should be administratively complete by the end of FY 1987. (Ongoing) (+)

- ° Regions/States will continue to work with the Agency's Office of Inspector General to ensure timely, high quality audit resolution. (Ongoing)
- ° EPA Headquarters will maintain the clearinghouse for grant dispute decisions to facilitate timely and consistent decisions. (Ongoing) (-)
- ° Regions will implement procedures to achieve the time-based goals for resolving disputes. (+)

e. Program Management - Priority Activities

EPA HQ will continue to work with Regions and States to improve program management, accelerate municipal compliance to meet NMP goals, and document environmental results. In addition, improved use of the State Project Priority lists, the Needs Survey file, the Grants Information and Control System (GICS), and office automation to satisfy program management needs will continue to be a high priority. (+)

- ° Regions and States will manage outlays and obligations within prescribed variances to meet national budget commitments. (Monthly for outlays; quarterly for obligations) (-)
- ° Regions will continue working with States to improve the use of GICS for program management. EPA Headquarters will continue the implementation of the GICS modernization initiative and continue to improve the Database System linkages between the GICS, PCS, and needs files. (Ongoing) (+)
- ° Regions will work with Headquarters on development of revised and new program regulations, policies, and guidance. (Ongoing) (+)

f. Performance of Facilities - Priority Activities

The Construction Grants program will coordinate with the enforcement program in implementation of the NMP. In support of the Policy, the Construction Grants program will emphasize Region and State on-site compliance assistance to small POTW's, project performance certification and remedial compliance programs for grant-funded facilities; work with municipalities that are required to develop Municipal Compliance Plans (MCP's), and ensure coordination between the Region and State O&M, operator training, construction grants and permit/compliance programs.

- ° Regions and States will ensure effective implementation of the project performance certification requirements, including timely preparation of a Corrective Action Report (CAR) where a positive certification is not possible. (Ongoing)

- * Regions will continue the Operations Management Evaluation (OME) Program at minor POTWs to assist selected communities and operators in maintaining effective operations and maintenance management programs in compliance with permits. (Ongoing)
- ° Headquarters and Regions will continue implementation of the O&M Excellence Awards program at Regional and national levels recognizing municipal wastewater treatment accomplishments. (Ongoing)
- ° Regions and States will continue to encourage the training of municipal treatment plant operators. (Ongoing)

E. LIST OF SUPPLEMENTAL GUIDANCE TO BE ISSUED
DURING FY 1986-87 FOR OPERATING YEAR FY 1987

- Guidance for PWS Compliance Reporting

The guidance will describe how chemical and radiological MCLs will fit into the definition of significant non-compliance and provide the forms for reporting in FY 1987. (June, 1986)

- Guidance for UIC Compliance Reporting

The guidance will explain how Regions and States will report UIC Compliance using the new definition of significant non-compliance. (May, 1986)

- Guidance for FY 1987 State Ground-water Program Grants

The guidance will provide direction to the Regions and States in the development and administration of consolidated ground-water work programs for FY 1987. (March, 1986)

- Guidance for State 305(b) Reports

The guidance will assist States in developing their FY 1988 305(b) reports by providing guidelines on methodologies, format and scope. (May, 1987)

- Guidance for Oversight of the NPDES Program

The guidance will expand on the FY 1987 Agency Operating Guidance relating to oversight of the NPDES program. Detailed direction relating to Permits, Enforcement and Pretreatment programs will be provided in the guidance. (April, 1986)

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**Office of
Solid Waste
and Emergency Response**

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OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

INTRODUCTION

The Office of Solid Waste and Emergency Response Operating Year Guidance for FY 1987 presents the national strategies, goals and objectives for implementation of the hazardous waste programs. This guidance reflects requirements of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984, and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980. It is anticipated that CERCLA will be reauthorized sometime during FY 1986. It is likely that CERCLA strategies and goals will need to be refined once CERCLA is reauthorized.

As in FY 1986, one of the Agency's major goals for FY 1987 is to reduce risks from disposal of hazardous waste and stabilize imminent threats from uncontrolled hazardous waste sites. There are three principal themes of our FY 1987 Operating Guidance: 1) reduction of risks to human health and the environment from improper past disposal of hazardous waste, 2) ensure protection in the future; and 3) strive to use our resources and expertise most effectively by institutionalizing sound management systems and procedures and delegating programs to Regions and States where appropriate.

From FY 1986-FY 1987, the emphasis of the OSWER programs will change from initiations to completions. Priorities center around making our processes more effective while also striving to attain high quality environmental results. Additionally, OSWER will work towards a multi-media, risk assessment approach to the management of hazardous waste.

In addition, OSWER acknowledges the existence of various cross-cutting activities and issues which are currently being addressed by various Headquarters and Regional groups. These activities include:

- ° Streamlining processes - OSWER intends to evaluate and improve upon several programmatic functions such as regulatory development and information management as well as overall management planning of projects and facilities.
- ° "How clean is clean" - Several workgroups are addressing this complex issue as it applies to the implementation of activities such as corrective action, closures and remedial cleanup.

- ° Groundwater protection - Since groundwater protection is an Agency and OSWER priority, we intend to maintain an interdisciplinary approach to determine the most effective techniques for addressing current groundwater problems as well as ensuring groundwater protection in the future.
- ° Overlapping RCRA/CERCLA/UST issues - OSWER recognizes that there are several activities which may require involvement by RCRA, CERCLA and UST staffs during various stages. Appropriate policies and procedures are currently being discussed. Such overlapping issues include: RCRA sites on the National Priorities List, RCRA/CERCLA Off-site Policy, corrective action of leaking tanks and Loss of Interim Status facilities' potential impacts on the CERCLA program.
- ° OSWER interface with other programs and agencies - In an effort to improve multi-media cooperation and consistent decision making, OSWER intends to solidify an effective working relationship with EPA programs such as Air and Radiation (Air Toxics Strategy/Chemical Emergency Preparedness Program, and air emissions at RCRA facilities), Water (corrective action at POTW's) and Pesticides and Toxic Substances (PCB disposal). Additionally, OSWER will work with other Federal agencies to ensure that Federal Facilities comply with RCRA and CERCLA requirements. Where resources permit, we encourage our Regions to work with Tribal Governments to undertake activities associated with hazardous and solid waste on their reservations.
- ° Enhance scientific expertise/pursue alternative technologies - OSWER is committed towards improving technical expertise (i.e. SITES project with ORD) as well as in encouraging innovative technologies where feasible (i.e. incineration). Additionally, high quality analytical support and effective sample management will be stressed.
- ° Strengthen the enforcement program to ensure corrective actions - OSWER intends to take an aggressive stance towards violators in order to ensure timely and appropriate corrective actions. We will utilize our enforcement authorities to increase PRP activity in cleanup processes, as well as to address those facilities that are in significant non-compliance.
- ° Enhance human resources - It is an OSWER priority to enhance its workforce through various approaches such as individual development plans, training and rotations. Additionally, the OSWER training needs survey and the Superfund Workforce planning project completed in FY86 will be utilized to increase the capabilities of the on-scene coordinators (OSC's) and remedial project

managers (RPM's). Other training efforts will focus on groundwater, Chemical Emergency Preparedness, State support and RCRA/CERCLA relationship courses. Such efforts are geared towards the professional development of our staff as well as in improving our overall effectiveness.

This year's guidance is divided into three program areas: Superfund, RCRA and Underground Storage Tanks. This structure allows for more specificity in articulating the goals and priorities of the individual program areas within OSWER.

FY 1987 SUPERFUND OPERATING GUIDANCE

I. INTRODUCTION

The basic authority under which the Agency addresses threats from uncontrolled hazardous waste sites is the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA). This guidance reflects current program goals under the 1980 statute. It will be revised following the CERCLA reauthorization.

A) PROGRAM PRIORITIES

Speed Up the Remedial Process

In FY 1987, the emphasis in the Superfund program continues to be to implement a balanced program to ensure that environmental threats posed by sites are addressed as quickly and effectively as possible. During FY 1987, Regions will begin implementing programmatic changes identified in the FY 1986 pilot projects that improve both the management and technical performance of the remedial program. The pilot projects are planned to examine issues concerning contractor continuity and strategy, methods for expediting the response process and the approach for identifying remedial alternatives. The Agency will closely monitor performance at sites where work is underway and will place continued emphasis on site-specific planning and management in the Regions. Emphasis will shift from initiations to completions.

Accelerate the Pace of Site Cleanup through a Strong Enforcement Program

The overall goal of the CERCLA enforcement program is to accelerate the pace of cleanup by responsible parties at inactive hazardous waste sites. The most effective approach for accomplishing this goal is a balanced program involving:

- ° Fund-financed cleanup, coupled with cost recovery action under §107;
- ° Enforcement action under §106, including litigation and administrative orders;
- ° Negotiated private party cleanups; and
- ° State enforcement actions under State authority.

The Agency seeks to integrate criminal enforcement with the routine operation of the CERCLA program. Accordingly, Regions will, in the conduct of their compliance and enforcement programs, identify and refer to the Office of Criminal Investigations for investigation suspected criminal conduct, "tips" or other information relevant to criminal enforcement.

Implement Improved Management Systems

The increased number of sites with ongoing removal and remedial activity requires greater emphasis on site-specific management and the necessity for improving tools for managing the Superfund program. During FY 1986, the Regions will be working with Headquarters to improve Superfund management and information systems. This project will focus on methods for assisting with site-specific management planning as well as the transfer of project inventory, tracking, and planning information to a common system for Headquarters and Regional program management. During FY 1987, the Regions will be implementing the site-specific management planning using the tools developed in FY 1986. Also, increased emphasis will be placed on data completeness and quality.

Increase Use of Alternative Treatment Technology

During FY 1987, the Agency will aggressively implement the results of several efforts directed towards increasing the use of alternative treatment technologies in removal and remedial activities. Demonstrations of alternative technologies at Superfund sites will be a priority activity. FY 1986 will see the increased availability of alternative treatment technology studies and reports, treatment capacity studies, and other technology transfer studies. In addition, early evidence of private sector interest in the SITE (Superfund Innovative Technology) program as well as removal program initiatives with alternative technologies will be available. As scientific and engineering evidence supports the efficient and effective use of these innovative and alternative treatment technologies, the Agency will encourage their utilization at sites ready for remedy selection.

Implement the Chemical Emergency Preparedness Program

In FY 1986, interim guidance was issued on the Agency's Chemical Emergency Preparedness Program. The interim guidance describes the Agency's program to assist States and local communities in identifying and developing contingency plans to deal with potentially acutely toxic chemicals. In FY 1987, Regions will coordinate with States, local communities and Regional Response Teams (RRT) to ensure that community needs for emergency preparedness/prevention and contingency planning are being met. The Agency will develop training programs and make them available to States and communities to complement the preparedness program.

II. GUIDANCE

GOAL I Achieve Environmental Results

A) Stabilize Actual or Potential Threats from Releases of Hazardous Substances

1. Response, through removal actions at NPL and non-NPL sites, to threats to public health and the environment posed by releases from uncontrolled hazardous waste sites and spills of hazardous substances and oil

Although the removal program historically has been generally reactive to hazardous substance releases, the broadened authorities of the revised NCP allow the removal program to assume a more proactive role by addressing threats of releases and thereby preventing releases of hazardous substances. We will continue to respond to threats posed by releases or threats of releases at unlisted waste sites and from other unanticipated events.

- ° Broader language contained in the revised NCP gives the removal program more latitude to abate threats in general rather than limiting responses to imminent and substantial threats. The Agency will undertake removal actions using these broader authorities at NPL sites. The Agency expects the current level of NPL site removals to remain relatively constant.
- ° We will continue to explore the feasibility of using Multi-Site Cooperative Agreements (MSCAs) for removal actions at NPL sites to enable states to stabilize NPL sites prior to initiating remedial activities. A workgroup dealing with multi-site cooperative agreements for removals has been convened to consider options for State involvement in removals and to develop procedures where appropriate.
- ° The removal program will make greater use of alternatives to land disposal through adherence to the RCRA Off-site Disposal Policy, which directs the program to comply with the 1984 RCRA amendments and the intent of Congress to "foster the use of more permanent solutions." The transition to alternative treatment and disposal technologies will parallel the framework of the RCRA amendments which call for an evaluation of alternatives to land disposal. The major factors to be considered by the Regions in this evaluation are 1) the determination of minimum waste quantities and any possibility that excessive quantities may tie up facilities or exceed facility capacity; 2) waste characteristics, which include mobility, hazardous constituents and concentrations, volatility, toxicity, and persistence; 3) capacity of alternative facilities and 4) cost.

- ° In order to accomplish its removal program goals, a contracting network of Emergency Response Cleanup Services (ERCS) contractors was established to respond to releases or threats of releases of hazardous substances. ERCS consists of four zone contracts covering all ten Regions, plus a projected total of sixteen to thirty smaller, supplemental Regional contracts. During FY 1987, all four zone contracts will terminate. Currently, these four contracts together provide almost \$60 million in capacity for cleanup each year. To be able to continue to ensure quick response to removal actions anywhere in the country without a break in coverage, EPA will initiate procurement activity for recompetition of ERCS about nine months prior to termination of each contract. The contract initiative is intended to ensure that sufficient contract capacity is available in order to carry out removal actions consistent with CERCLA and the NCP.
 - ° Removals for the purpose of site stabilization or for response to emergencies may be Fund-financed or conducted by responsible parties. The Regions should contact Potentially Responsible Parties (PRPs) and consider whether private-party response is appropriate, in lieu of Fund-financed response.
 - ° The Agency will issue Administrative Orders in appropriate circumstances before initiating Fund action, as long as the site does not pose an unreasonable risk of harm to the public health, welfare or the environment. The Regions should consider issuing Administrative Orders in situations where there is at least one week between the time that the OSC determines that a removal action is warranted and the time that actual on-site response must begin. In the event of non-compliance with an administrative order, the Region should be prepared to quickly initiate a Fund-financed response and seek fines or treble damages from the responsible parties. Further detail is provided in the policy entitled, "Issuance of Administrative Orders for Immediate Removal Actions", February 21, 1984. Additional guidance is being developed on the impact of the revisions to the NCP which broaden the use of removal actions.
2. Address the promulgation of regulations pertaining to reportable quantities and release notification
- ° In FY 1986 and FY 1987, OSWER will develop for Headquarters and Regions a national release notification system for collection of data on releases of oil and hazardous substances. The objective is to design and implement comprehensive national notification and response data on accidental releases of oil and hazardous substances. The proposed system

will improve data quality and quantity and promote a consistent format for review.

- ° Additionally, OSWER will promulgate final RQs for potential carcinogens, and propose new listings promulgated by the media programs directly affecting the CERCLA section 101(14) hazardous substance list. In addition, OERR will propose RQ's for the approximately 250 new air toxics listings which are not currently on the CERCLA section 101(14) hazardous substance list, but which very likely will be statutorily required as a result of Superfund reauthorization.
 - ° It is expected that CERCLA reauthorization will include civil and administrative penalties, as well as the criminal penalty for failure to notify. Releases equal to or exceeding an RQ which are not properly and promptly reported will now be subject to civil and administrative penalty provisions. These provisions will greatly enhance compliance with the RQ reporting rule. However, the civil and administrative penalty provisions cannot be effectively implemented unless a notification system is in place to capture all release notifications received by the Federal government. Therefore, the timing of RQ implementation and enforcement will be largely contingent on the development of the release notification system mentioned above.
3. Address the Agency's continuing commitment to respond to major discharges of oil
- ° Regions should maintain their present level of on-scene response to major oil spills as defined in the NCP. Further, the Regions should continue to provide on-scene oversight of private party cleanups of major oil spills. Where States or local governments are known to have the capability and commitment to respond to spills, including major discharges, they should be encouraged to the maximum extent possible to provide response. Technical assistance should be provided to the Coast Guard in coastal oil spills when the Coast Guard specifically requests it or when the RRT is activated.
 - ° The Spill Prevention Countermeasure and Control Program continues as an important priority in the oil program. Available resources following response activity should be directed to SPCC activities. In some situations, it may be possible to perform SPCC functions in conjunction with spill response activities. Each Region should review and update its strategy for SPCC inspections and plan reviews for the coming year.

- B) Reduce or Eliminate Risks from Uncontrolled Hazardous Waste Sites
1. Ensure that all phases of the site clean-up "pipeline" are being initiated and all projects currently in the "pipeline" are moving efficiently toward completion
- ° A major initiative to be conducted by the Agency in FY 1986-1987 will be the implementation of the remedial improvement pilot program. The Office of Emergency and Remedial Response, acting as the lead office, is currently working with several Regions in testing several new approaches which will impact project schedules.
 - ° Regions will continue to develop comprehensive Site Management Plans (SMP). The SMP provides a vehicle for the Regions and States to reach agreement on a schedule for initiating action at each site. Initially, the multi-year plan will be used to develop and adjust SPMS commitments and allocate resources. The SMP process will be improved as a component of the remedial pilot program to provide a basis for effective project planning, monitoring and control over the entire "life-cycle" of a site. The new process will provide the Regions with the tools and the support needed to develop and maintain effective project plans, monitor progress towards achieving planned milestones, and highlight the need for corrective action.
 - ° Regions will place an emphasis on selecting alternative technologies as part of on-site remedies. The revised NCP encourages the use of reliable technologies that have long-term effectiveness. Records of Decision should evaluate at least one alternative to land disposal. The alternative technology need not be applied to all the waste at the site.
 - ° Regions will focus on site completions and the ability to delete sites, through remedial action, or removals confirming that deletion is appropriate.
 - ° Regions will place emphasis on program reviews of States that have lead responsibility under single or Multi-Site Cooperative Agreements. Use of the Management Assistance Program (piloted during FY 1985-1986) is encouraged.
 - ° Regions will ensure that States are meeting their responsibilities for operations and maintenance at sites where remedial action has been completed.
 - ° Pursuant to Headquarters guidance, Regions will implement the natural resources claims regulation and response claims regulations.

2. Continue to operate a strong pre-remedial program

- ° OERR will develop and promulgate in FY 1986 and FY 1987 HRS changes which recognize improvements and enhance the Agency's ability to correctly classify sites for the NPL.
- ° Submission of NPL candidates and related rulemaking documentation to support remedial program and Congressional mandates;
- ° The Regions and States will continue to aggressively conduct site evaluations which involve a sequence of investigations to determine the extent of contamination at a site and to provide a data base sufficient to identify the most appropriate response.
- ° Area specific discovery of new sites for the CERCLA inventory to support NPL process and the adequate identification and characterization of uncontrolled hazardous waste site problems.
- ° Program reviews by the Regions of all State cooperative agreements and State contracts, assuring that conditions are met with quality products.

3. Obtain responsible party cleanup through settlements

This is the highest priority of the CERCLA enforcement program. Achieving the proper balance between §106 and § 107 actions is essential to the overall cleanup effort under CERCLA. A visible enforcement presence is needed to encourage settlements for private party cleanups. Reliance on §107 actions is not sufficient to establish this enforcement presence, particularly where the Agency defers enforcement action until the remedial action is completed.

GOAL II Ensure a Strong Enforcement Presence

1. §106 actions at sites which will not be the subject of further Fund-financed cleanup are the highest priority for referrals for injunctive relief

Referrals for injunctive relief may also be appropriate in cases where it is still possible that Fund-financed cleanup will be undertaken. Such referrals may be needed where there are potential statute of limitations concerns, or where the site has been identified as enforcement lead, and prospects for successful litigation are good.

2. **Administrative Orders will continue to be an important method for assuring private party cleanup**

Orders should be issued in situations where compliance with their terms is feasible. The Regions are not required to make a pre-issuance determination that Respondents will comply with an order, but rather that compliance is practicable. The following factors are relevant to this determination:

- ° The needed response action and liability are straightforward.
- ° Respondents have adequate financial capability.
- ° There are relatively few PRPs.
- ° The response action is reasonably specific.
- ° The Agency should be ready to litigate the merits of the Order.
- ° There is no need for long-term court oversight.

Failure to comply with an Administrative Order will lead in appropriate cases to the institution of further enforcement action including civil contempt proceedings. Where the Administrative Order has been incorporated into or entered as a court order or decree, disobedience may also be punished as criminal contempt under 18 U.S.C. §401(3).

Procedures for issuance of orders will be undergoing modification in response to CERCLA reauthorization.

3. **Create a climate that is receptive to private party cleanup proposals**

Responsible parties will continue to have an opportunity to perform or be involved in the studies used to determine the appropriate extent of remedy. Specific details are set forth in the policy entitled "Participation of Potentially Responsible Parties in the Development of Remedial Investigations and Feasibility Studies under CERCLA" (Lee M. Thomas and Courtney M. Price, March 22, 1984). The Agency anticipates that both the Fund and private resources may be used at the same site in some circumstances. When the Agency settles for less than 100% of cleanup costs, it can use the Fund to assure site cleanup will proceed expeditiously, and then sue to recover these costs from the non-settling responsible parties. When the federal government accepts less than 100% of cleanup costs and non-financially viable responsible parties remain, Superfund monies may be used to make up the difference. The Agency's "Interim CERCLA Settlement Policy", December 5, 1984, outlines the general principles for private party settlements under CERCLA. The Agency will develop more specific procedures to clarify the process for mixed funding. CERCLA reauthorization may also necessitate changes to the Agency's Settlement Policy.

4. Cost recovery referrals

The following types of cases are the highest priorities for referrals in the area of cost recovery: \$107 actions in which all costs have been incurred; and \$107 actions in which a significant phase has been completed, additional injunctive relief is needed and identified and the Fund will not be used.

- ° The Agency recently finalized its policy of filing of cost recovery actions. (Price and Porter, "Timing of CERCLA Cost Recovery Actions", October 7, 1985). The current legal interpretation is that the Statute of Limitations expires six years after the completion of the response action. Priorities for referrals are completed removals, completed remedial actions, and response actions where there is a significant gap of time between removal and remedial actions, or between phases of the remedial action.
- ° To assure timely cost recovery actions and avoid the loss of evidence and witnesses, cost recovery actions should be initiated within one year of completion of a removal action at non-NPL sites. Cost recovery action should be initiated within one year of the completion of the removal action at NPL sites, if there will be a significant gap (18 months or more) between removal completion and the signing of the Record of Decision (ROD). Cost recovery action for remedial action should be initiated as soon as practicable after the signing of the ROD, usually within 18 months of that time.
- ° Anticipated amendments to the law under CERCLA reauthorization will authorize the Agency to develop streamlined procedures for collection in small cost recovery cases where the amount of resources to be recovered does not merit a full-fledged referral.
- ° On October 2, 1984, the Agency and ASTSWMO issued a joint policy on "State/EPA Relationship in Enforcement Actions for Sites on the National Priorities List." This policy discusses actions to be taken that will improve the State/EPA relationship and increase the effectiveness of enforcement actions for NPL sites.

5. Federal/State enforcement actions

The most important initiatives for improving the Federal/State enforcement relationship include:

- EPA issued guidance on January 17, 1986, for providing funds to States for RI and FS at State-lead enforcement sites, and funding for oversight of responsible party conduct of RI, FS and RD. EPA will also develop guidance to allow, where appropriate, funding for other State enforcement-related activities including oversight of PRP RA negotiations and litigation to compel or encourage private party cleanups.
- Sites will ultimately be classified as State-lead if States prepare RI/FS, negotiate within established time limits, provide for public comment, implement a remedy at least as stringent as would be required under the NCP, and keep EPA informed of its actions.
- State/EPA Enforcement Site Agreements will be established where appropriate to identify the nature and level of detail of involvement in each other's activities.
- States and EPA will establish effective arrangements for information exchange to keep each other informed concerning progress at each other's sites.

6. Oversight of PRP's, federal facilities and State actions

- The accelerated pace of enforcement activity, the private party initiatives, the number of cleanup actions being conducted under settlements and state-lead enforcement actions, and federal facility cleanups increase the need for intensive oversight of private party, state and federal facility cleanup activity.
- During FY 1987, EPA anticipates an increased number of private party cleanup actions performed under administrative orders, consent decrees or court orders. This increase in responsible party actions will require a greatly enhanced capability for ensuring responsible party compliance with formal consent decrees or administrative orders. PRPs may be involved in all phases of response.
- The Agency anticipates that CERCLA reauthorization will provide additional authorities for oversight of responsible party actions. Guidance is being developed on Federal and State oversight of PRP activities and the definition of roles when more than one entity has site responsibilities (e.g., EPA, State, and PRP).

- ° OSWER and OECM will jointly develop necessary procedures, systems and measures for tracking the status and appropriateness of responsible party actions in all phases of site response.
- ° The Agency will increase the level of effort devoted to oversight of Federal facility cleanup action under CERCLA. Oversight should be substantilly equivalent to oversight of PRPs, and a specific target for oversight of federal facility RI/FS has been included in the SCAP.

We anticipate that the process for federal facility cleanup under CERCLA should be clarified by changes to the statute.

GOAL III Continue to Decentralize and Delegate Authority

1. Deletion

As the program matures, the deletion of sites from the NPL becomes an important priority. Guidance regarding the deletion process will be issued in FY 1986. The guidance will discuss the criteria for determining when a remedial action is considered complete and how a site deletion should proceed, including requirements for analytical support.

2. Remedial Delegations

The Regions will be given additional authority and expanded criteria in making final site remedy selection. These actions will help the program maintain a balance between its planning and remedial action activities.

- ° Each Region is responsible for reviewing the cleanup status of its sites and initiating deletion review activities for those sites that are ready to be considered for deletion.
- ° In FY 1987, the Assistant Administrator for Solid Waste and Emergency Response will address the delegation of deletion decisions to the Regions.

3. Enforcement Delegations

- ° With the anticipated changes in the statute, OSWER and OECM will address enforcement delegations to the Regions such as settlements and direct referral of small cost recovery cases.

GOAL IV Improve Scientific Expertise

1. **Expand the Capabilities of the Environmental Response Team**

During FY 1987, several significant programs will be in their first or second years of implementation, including the Chemical Emergency Preparedness Program, the Underground Storage Tank Program, and the Ground Water Evaluation/Protection Program. Because of its experience in all of these technical areas, the ERT will be looked upon to provide program continuity both in terms of Region to Region as well as from Federal to State to local government organizations.

- ° The ERT will rely on its established and nationally recognized training program, its in-house staff of technical experts, and its contractor support staff. However, due to the continuing policy of delegating responsibility to the Regions and States, we will attempt to increase ERT contractor support. This will enable the ERT to expand the training program, technical support, and information services.
- ° Regions should develop support groups through more formal use of the RRT's.
- ° Establish a new function within the ERT to provide technical information exchange through a wide variety of media. Included will be the responsibility to use state-of-the-art techniques and equipment to enhance communication with emergency response personnel and remedial project managers. Implementation of this program will allow more efficient use of ERT staff time, provide quicker exchange of field experiences among Regions, and increase program continuity and oversight.

2. **Implement Better Systems and Procedures for Technology Transfer**

All participants in the CERCLA process need ready access to current technical information. A system must be established to facilitate the transfer of research and other technical information reflecting current knowledge and findings so as to make measurable improvements in the performance of Superfund cleanup activities. Initial emphasis should be placed on the transfer of information on alternative technologies to land disposal and on-site treatment options. Several Headquarters/Regional workgroups are currently examining alternative technologies criteria relating to treatment performance standards, cost-effectiveness and other issues.

- ° Maintain a focal point in Headquarters for technology transfer activities and information.

- ° Ensure that all important technical reports, guidance and policy documents are kept at a central location, are routinely updated, and are readily accessible to potential users.
- ° Implement a system to inform users of available information and to actively communicate technical facts and data concerning ongoing research and on-site activities..
- ° Establish an interactive, two-way communication process to match users needs with the offices that provide technical information.
- ° Plan and participate in technology transfer activities with the Regions and Headquarters.
- ° Provide a forum for discussion among government, industry and the public of technology transfer plans, activities, problems, overlaps and new opportunities.
- ° Actively support and help implement the OSWER/ORD hazardous waste Technology Transfer Task Force strategy, and the ORD/OSWER SITES Program.

3. Analytical Support

In FY 1987, analytical support for Superfund will be affected by two factors: 1) need for flexibility to be able to respond to changing program requirements and 2) provision of additional support systems to the Regions. There will be continuing emphasis on maintaining adequate capacity to meet program needs, minimizing turnaround times, and improving data quality. The Agency will consider an emphasis on field analytic capability, including mobile laboratories and short-term field labs handled through the on-site contractor.

The groundwork for this expansion will be laid in FY 1986. The Contract Laboratory Program will establish new types and levels of analytical support to mesh with requirements developed through Data Quality Objectives. The CLP will continue the process of decentralization, while maintaining program oversight and national consistency, by furnishing an Environmental Services Assistance Team (ESAT) to each Region under a national contract. In addition, Regional Sample Control Coordinators (RSCC) with Deputy Project Officers (DPO) will be more closely integrated into Sample Management Office information and tracking systems.

- ° Continued modification and expansion of the menu of CLP services to meet new and different requirements.
- ° Development and implementation of procedures by which field contractors of the HSCD and ERD can obtain information and support from the CLP, while concurrently providing documentation on non-CLP

analytical activities.

- ° During FY 1986, a decision will be made on implementation and development of an integrated Analytical Support Communication Network linking the Regions and the contract laboratory community with Headquarters. This system will streamline and speed up the scheduling and tracking of samples and sample data.
- ° Expanded and decentralized support to the Regions, via ESAT contracts and access to SMO information systems, to meet the growing and changing requirements of both RCRA and CERCLA. As the Regional RSCC and DPO functions are required to provide more and more support, the existing support will be expanded and modified based on the new requirements.
- ° Continued and expanded Quality Assurance Support and oversight will be necessary to insure that increasing and diversified analytical support activities meet Agency requirements. The existing QA structure will be extended to all analytical activities of the Office of Solid Waste and Emergency Response as quickly as the availability of resources permits.
- ° Continued emphasis on maintaining capacity, timeliness and quality of the CLP.
- ° Development of procedures to track all Superfund samples and to provide a common base of information on the routing of these samples.

GOAL V Improve Technical Communication with the Public

1. Chemical Emergency Preparedness Program

FY 1987 will be the second year of the Chemical Emergency Preparedness Program, which was announced in June 1985 as part of the Agency's Air Toxics Strategy. In FY 1986 the program objectives were: to develop the List of Acutely Toxic Chemicals and accompanying guidance to assist communities in use of the List and development of preparedness programs, build program infrastructure at the Federal, State, and local levels, and begin program implementation. In FY 1987, the objective will be to continue and extend program implementation through expanded training and technical assistance to States and, through States, to local personnel. New initiatives may also be mandated by CERCLA reauthorization. The overall program goals are to promote community awareness of chemical hazards and assist in the development of State and local preparedness programs and response capabilities.

- ° The role of EPA Headquarters is to provide overall coordination of program development and implementation and provide additional guidance, program oversight and assessment, and support to Regional Offices. In particular, Headquarters will coordinate Federal training and technical assistance resources to Regions. Federal interagency coordination at the national level will take place largely through the National Response Team.
- ° EPA Regions will be responsible for program implementation within their Region. In this role, Regional staff will work with States to ensure dissemination of program materials and provide training and technical assistance to States and through States to local personnel, and assess program implementation. The Regional Response Team should provide a forum for coordination activities in the Regions, particularly in the area of training and technical assistance.
- ° The program depends upon the participation of local and State governments. The local government role is to take the lead in carrying out the contingency planning, preparedness, and response functions described in the program guidance material. The State role is to distribute program materials to local communities, be the principal point of contact and liaison with these communities, and provide training and technical assistance to these communities.
- ° Emphasis will be on simulations and exercises to evaluate contingency plans, preparedness, and response operations.
- ° Emphasis will be on increased enforcement and information gathering regarding reportable quantity releases.

2. Improve Effectiveness of Community Relations Efforts

The Superfund community relations program has been in place for three years. During that time, the program has expanded. New community relations initiatives, such as a dispute resolution pilot project, have been undertaken.

- ° Experience to date has reinforced the importance of two-way communications based on informal, personal contact with Regional project officers and site residents. In FY 1987, the Regions will continue to expand their community relations activities, in terms of "risk" discussions, as well as conducting more community relations activities in the early and late phases of the remedial process. Guidance will be developed on making presentations to the public on site cleanup alternatives.

- The Regions will continue to implement the basic community relations program, consistently providing a minimum three week public comment period for remedies at remedial sites. In addition, Headquarters will continue production of generic fact sheets (on subjects such as risk assessment), while Regions will focus on site-specific fact sheets. Responsiveness summaries will continue to play a major role in feedback to the public on their reactions to site remedies.
- In FY 1985, the Agency finalized procedures governing community relations for enforcement actions. The provisions for public review of RI/FS in enforcement actions are comparable to those required for Fund-financed cleanup, and responsiveness summaries are required for enforcement actions as well as Fund-financed actions.
- Headquarters community relations efforts will focus on evaluating the effectiveness of Superfund community relations efforts and recommending changes, assuring the integration of the community relations program currently in place, increasing public educational materials, and developing program and financial tracking systems.

III. APPENDIX

SUPPLEMENTAL GUIDANCE *

1. Superfund Comprehensive Accomplishments Plan (SCAP) Guidance
2. Several guidances, as yet undetermined, related to the Superfund reauthorization legislation.
3. Several guidances, as yet undetermined, related to the results of the Remedial Program Improvement Pilot Project. Potential guidances are:
 - ° Contractor continuity
 - ° Expediting the removal/remedial process
 - ° Revised contracting strategy
 - ° Revised RI/FS guidance
 - ° Project and site management
4. Evaluation Guidance - OERR will develop a document to draw together the various criteria used to evaluate performance. The document will include both quantitative measures (SPMS, SCAP) and qualitative factors (recurring items of the annual Regional reviews).
5. Potential Enforcement Guidance Documents
 - ° Mixed Funding Guidance
 - ° Procedures for Small Cost Recovery Cases
 - ° Guidance on Oversight of PRP Activity
 - ° Guidance on Funding State enforcement related activities

* NOTE: The anticipated availability dates are unknown at this time due to their relationship to the pending CERCLA reauthorization.

FY 1987 RCRA OPERATING GUIDANCE

I. INTRODUCTION

The basic authority for the national hazardous waste management program is the Resource Conservation and Recovery Act (RCRA). It was amended and strengthened in 1984 by the Hazardous and Solid Waste Amendments (HSWA). RCRA established a "cradle to grave" approach to the management of hazardous waste. The major goal of this system is the protection of human health and the environment. HSWA significantly expands both the scope of coverage and the detailed requirements of RCRA.

A) PROGRAM PRIORITIES

A number of priorities will drive the effective development, implementation and enforcement of the national hazardous waste management program in FY 1987. The FY 1987 RCRA Implementation Plan (RIP) will provide detailed implementation guidance and direction to the Regions and States on how to implement these priorities. It identifies specific goals, priority activities and implementation policies that must be reflected in State and Regional planning documents.

Groundwater Protection

Groundwater protection is the goal of numerous provisions of HSWA. Ensuring installation of adequate groundwater monitoring systems at land disposal facilities is the baseline for tracking the impacts of these facilities. It also provides the basis for requiring corrective action to clean up releases to groundwater. HSWA requires the Agency to restrict land disposal of certain hazardous wastes. In addition, HSWA requires the use of minimum technology standards for those wastes that have to be land disposed, e.g., liner and leachate collection systems, and strengthens the standards for groundwater monitoring. It also requires regulations prescribing location standards for hazardous waste facilities and correction of environmental problems from past mismanagement of waste at RCRA facilities.

The hazardous waste program will examine the linkages among these provisions and the Agency's approaches to implement them to determine the most effective and consistent means for groundwater protection. In the past, the Agency has treated these items independently. We must determine the incremental benefits of these items when used in combination and then integrate them into the Agency's groundwater strategy and classification system guidance.

Permitting and Closures

OSWER will work towards meeting the HSWA-mandated permitting deadlines for land disposal units (11/88), incinerators (11/89), and treatment/storage units (11/92). In addition to very strong

effort towards meeting the permitting deadlines, we will also approach closures on a priority basis, based on environmental significance.

Identification of Releases and Corrective Action

Implementation of permitting and enforcement authorities for corrective action under sections 3004(u) and 3008(h) is essential to protect human health and the environment from releases of hazardous waste and constituents from TSD facilities. Corrective action encompasses several key phases of activity: evaluation of facilities, identification of releases; prioritization; compelling interim measures as needed to abate immediate threats and contain potential threats before they become significant problems; compelling a remedial investigation, and design and implementation of corrective measures. Long term corrective action should to the extent practicable be conducted on a facility wide basis and address all releases associated with the facility.

Enforcement Program

A strong and highly visible enforcement program demonstrates the Agency's resolve to implement the hazardous waste management program effectively. The Regions and States will inspect handlers and bring civil, administrative and criminal enforcement actions to achieve compliance, particularly at land disposal facilities.

Federal Hazardous Waste Management Law (Loopholes)

The hazardous waste program will continue to implement the provisions of the 1984 Amendments to close the loopholes that existed in the previous law with regard to management of wastes from small quantity generators, underground storage tanks, municipal, nonhazardous (Subtitle D) landfills, listing additional hazardous wastes, regulation of used oil, and the burning of hazardous waste fuel mixtures. For example, final regulations on the technical and transportation standards for burners and blenders of hazardous waste fuel mixtures will be promulgated in FY 1987. Final regulations concerning the listing of used oil and related management standards will be issued by November, 1986. Following promulgation, these regulations will be implemented and enforced.

Statutory Deadlines and Hammer Provisions

OSWER intends to meet the statutory deadlines for most of the regulations, studies and listings. However, we have missed some deadlines and will likely miss others. The delays were largely the result of Agency's need to resolve complex legal, technical and policy issues before promulgating regulations.

Treatment Capacity

Ensuring adequate and safe alternative treatment capacity and

defining the role of the Agency in siting of hazardous waste management facilities is known to be a regional priority.

OSWER will address these requests on several fronts. Streamlining the permitting process may be the most productive area to assure adequate capacity. Development of alternative treatment technologies is critical for the program. The development will be assisted by expedited research, demonstration and development permits as well as permitting mobile treatment units.

In addition, the Headquarters program will develop information materials on various types of treatment technologies and work with the Regions in siting.

Improve Information Management

EPA and States must continue to improve information management systems as a tool to improve management of the RCRA program in FY 1987. OSWER is focusing on a new hazardous waste data/information system called RCRIS. OSW and OWPE respectively will be developing integrated information management systems. The hazardous waste program must determine what data we need to answer questions regarding environmental results and protection of public health. Information systems will be refined and maintained to provide adequate information on the timeliness and appropriateness of actions at facilities and to provide a clear picture of the regulatory and compliance status of each facility.

B) OPERATING THEMES

Cross Media/Cross Program Cooperation

In FY 1987, the program will accelerate its efforts to work with other Agency programs and offices to develop the most effective and efficient regulatory approaches for controlling toxic chemicals and hazardous waste. For example, OSWER will utilize information being developed on the chemicals by the Office of Pesticides and Toxic Substances (OPTS) in RCRA listing decisions. In addition, the program will cooperate with OPTS on disposal methods for pesticides, sharing data collection systems on new and existing chemicals, assessing risks, and transferring responsibility for PCB disposal from OPTS to OSWER. OSWER will utilize the information gathering provisions of the Toxic Substances Control Act (TSCA) to require manufacturers of chemicals to provide health and environmental fate data on chemicals/wastes covered by RCRA.

Agency policy and approaches to hazardous waste management must be coordinated between the Office of Water and the hazardous waste program. There are a number of overlapping

issues, some of which include: municipal sludge management, corrective actions at wastewater treatment facilities, ground-water classification, location guidance and standards, restrictions on land disposal and underground injection of hazardous waste, as well as the linkages among land disposal restrictions, corrective action and the drinking water standards established under the Safe Drinking Water Act. In addition, the exemption for domestic sewage from RCRA regulation and issues associated with section 404 (wetlands protection) of the Clean Water Act must be addressed by both offices. Final regulations on the domestic sewage exemption will be promulgated by August, 1987.

OSWER will cooperate with the Office of Air and Radiation to resolve issues associated with the burning of hazardous waste fuel mixtures, use of municipal waste combustors, standards for facilities other than incinerators, and the disposal of naturally occurring radioactive materials and other low-level radioactive wastes. OSWER will also look to the Office of Research and Development for assistance in developing quality assurance programs, monitoring programs and alternative treatment technologies.

Risk-based Analysis

In FY 1987, OSWER will move toward greater reliance upon risk-based decision-making to resolve some of the major issues facing the national hazardous waste program. Such issues include a policy on "how clean is clean," a comprehensive listing and delisting strategy, and the development of risk-based site-specific decisions regarding land disposal petitions from hazardous waste treatment, storage, and disposal facilities.

Site-Specific Decision-Making

Headquarters will work closely with the Regions to transfer site-specific decisions in FY 1988 and FY 1989. In addition, Headquarters will provide SWAT teams and examples of model decisions to facilitate rapid and consistent decision-making.

Permit and Enforcement Integration

Within the Office of Solid Waste and Emergency Response (OSWER), OSW and OWPE will cooperate with the Comprehensive Environmental Response, Compensation, and Liability (CERCLA) program to develop a consistent, effective approach to corrective action, to implement the Agency policy for disposing of CERCLA hazardous waste off-site, and for

listing RCRA sites on the NPL. OSW and OWPE will work to implement a facility management approach that integrates permitting, enforcement, and corrective actions. Related issues that will have to be resolved in a coordinated manner include treatment of new v. old hazardous waste, need for consistent cleanup standards and risk assessment approaches, capacity shortfalls, and control of source v. control of exposure. Finally, cooperation between OSW and the Office of Underground Storage Tanks (OUST) will be essential to ensure that good regulatory rationales exist for technical standards for product and waste storage tanks.

Streamline and Simplify Program Guidance

OSW will accelerate its efforts to develop and distribute clear and useful guidance. Headquarters will include the Region and the States in developing this guidance.

OSW will concentrate on clarifying guidance documents to better explain, to the regulated community, the thinking process that guided Agency decisions in development of our regulations. Two examples of OSW's attempt to simplify and clarify guidance documents are:

- o Land Disposal Ban Petition Process; and
- o Alternate Concentration Limits.

II. GUIDANCE

GOAL I Address previously neglected problems and restore environmental quality to acceptable levels

- A) Strengthen the permitting and enforcement process to improve the timeliness and quality of actions
 - 1. Integrate permitting, enforcement and corrective actions at hazardous waste management facilities

EPA and the States will integrate the use of permitting and enforcement authorities to obtain timely compliance with interim status permitting, and corrective action requirements. Complimentary use of permitting and enforcement authorities will ensure timely progress in achieving compliance and will serve as an incentive to owners/operators of facilities for improved compliance in the future.

- o Implementation of the facility management plan (FMP) approach initiated in FY 1985 will be a particular priority. A strategy to bring each facility into

compliance with all applicable requirements will be developed through early planning and coordination between permitting and enforcement staffs.

- o FMPs should also reflect known and anticipated corrective action needs at the facility, including initial investigations, interim measures, remedial investigations and corrective measures. The FMP should also identify the mix of authorities which will be used to address environmental releases or potential releases associated with the facility. These authorities include CERCLA §106 and appropriate State authorities.
- o Regions and States must develop a team management approach for each facility composed of a team leader who acts as a facility expeditor and is responsible for overseeing the development and implementation of a facility management plan/compliance strategy for each facility.
- o At each facility, early and ongoing formal meetings with permit applicants and States, where appropriate, must be held as part of the facility management approach. These discussions will not be a substitute for enforcement, and planned enforcement activities will not be discussed.

2. Coordination between RCRA permitting and enforcement and CERCLA enforcement

In FY 1987, OSWER will improve coordination of RCRA and CERCLA enforcement authorities at facilities. This will allow EPA to ensure that all human health and environmental threats are addressed.

3. Expedite permitting and enhance enforcement efforts

OSWER will continue to foster an effective working relationship with the states while maintaining necessary oversight of national priorities. EPA and the States must continue to work together to improve the quality and timeliness of permitting, inspection and enforcement actions as States take over more program responsibilities.

- o Improved joint permitting procedures and greater State assumption of HSWA requirements will be a focus of the program during FY 1987 and 1988.

- o EPA will encourage active participation by State and Regional technical, scientific and legal staffs in regulatory development and implementation work groups. OSW will develop Implementation Plans during the proposed rule period and finalize them when the regulation is promulgated.
- o EPA regions must coordinate with and maintain oversight of State actions on closure to ensure protection of human health and the environment.
- o Enhancement of State programs will be fostered through a combination of resource-sharing, peer matches, and technology transfer.
- o Headquarters and Regions will provide technical and legal assistance and training.
- o Enforcement staff must work to engage State Attorneys General staff with State program staff in program planning and management decisions and in developing EPA/State enforcement agreements in such program areas as corrective action, closures and groundwater monitoring. The State Attorney General's role should be reflected in State grant agreements. In particular, EPA will conduct training based on the Groundwater Monitoring Technical Enforcement Guidance Document and Compliance Order Guidance.
- o As in the last two fiscal years, the Regions and States are subject to the RCRA program Interim Quality Criteria and the Enforcement Response Policy. The criteria will be revised as needed to reflect additional program experience and program goals.
- o Regions should carefully monitor progress in enforcement action against significant non-compliers (land disposal facilities with violations of the groundwater, closure/post-closure, and financial responsibility requirements) and take action where the States cannot or will not take timely and appropriate action.
- o Regions should maintain oversight of State permitting and enforcement actions to ensure that States follow their commitments in the State grant agreements, the State enforcement agreements, and the interim quality criteria.

B) Implement RCRA Authorities at Hazardous Waste Management Facilities to Protect Human Health and the Environment

1. Implement the corrective action program through the use of permitting and enforcement authority, as appropriate

EPA and States (when authorized) will require preliminary and detailed studies to determine the extent of contamination in surface and groundwater, soil, and air and require owners/operators to initiate interim and final corrective action measures.

- o Initial investigations should be conducted at operating and closing facilities to determine whether there are releases from hazardous waste management units (HWMUs) and/or solid waste management units (SWMUs). Whenever possible, the initial investigation should be conducted on a facility-wide basis. When completed, the Region should determine whether the owner/ operator should undertake additional data collection, interim measures and/or remedial investigation (RI).
- o Priorities for corrective action include operating and closing land disposal and incineration facilities, and facilities providing alternative treatment capacity, as well as storage facilities with known significant releases and target populations likely to be exposed.
- o Use of section 3008(h) orders to address releases at closing facilities is a priority to ensure that they do not pose current or future threats to public health and the environment.
- o Use of section 3008(h) to compel interim measures as appropriate, especially at closing facilities, is a priority. Compelling interim measures is the most effective mechanism to abate significant threats and to prevent potential releases from becoming actual releases.
- o Regions and States will ensure that RCRA RI activities at facilities are consistent with Superfund RI to facilitate transition to CERCLA when the facility cannot fund remediation activities under RCRA.
- o EPA Headquarters will coordinate among program offices to develop an approach to corrective action for POTWs and underground injection wells, which are subject to RCRA Subtitle C permit-by-rule and individually permitted under CWA and SDWA.

2. Require proper closure of facilities to ensure protection of human health and the environment
 - o Closing facilities must have adequate groundwater monitoring systems in compliance with 40 CFR Parts 265 and operate them properly.
 - o Initial investigations and further corrective action requirements, on a facility-wide basis to the extent practicable, are priorities.
 - o Facilities may not close surface impoundments by removal of wastes until they have demonstrated that there is no groundwater contamination and that satisfactory investigations demonstrate the absence of residual contamination.
 - o EPA and States must ensure that closure and post-closure plans are sufficient to protect human health and the environment, that they are carried out as approved, and that facilities implement applicable requirements for the life of the plan or post-closure permit.
3. Ensure compliance with interim status and final permit groundwater monitoring requirements

By FY 1987, all operating and closed land disposal facilities must at a minimum have groundwater monitoring systems that meet 40 CFR Part 265 requirements, using the RCRA Groundwater Monitoring Technical Enforcement Guidance Document to make determinations on the adequacy of systems. Facilities that are not in compliance must be subject to a formal enforcement action in FY 1986. In addition, land disposal facilities seeking an operating permit must satisfy the groundwater monitoring requirements of 40 CFR Part 270 or be the subject of a formal enforcement action in FY 1986.

- o Both operating and closed land disposal facilities will continue to be inspected once a year to evaluate compliance status.
- o EPA Regions and States will conduct quality comprehensive groundwater monitoring evaluation (CME) investigations at facilities where this has not been done or where a CME completed in the past was inadequate.

- o OWPE will evaluate inspection guidance to refine and improve inspection methodologies through more detailed guidance, handbooks and training. OWPE will also develop innovative approaches to conducting inspections, such as the use of private inspectors.
 - o Special attention is to be given to evaluate whether facilities in detection monitoring have releases and, therefore, should undertake assessment monitoring to determine the extent of contamination.
 - o Enforcement actions against facilities with inadequate groundwater monitoring systems must be brought to a final order as expeditiously as possible.
 - o EPA and States must monitor compliance with groundwater monitoring requirements specified in permits and orders and bring prompt enforcement action for non-compliance.
 - o Continue to implement the off-site policy to provide acceptable disposal facilities for CERCLA waste.
4. Resolve the technical, scientific, and regulatory issues associated with "how clean is clean"

In the interim, decisions on cleanup levels will be made on a case-by-case basis with appropriate program guidance. These decisions will be applied to permitting, corrective action, and closures, as appropriate.

5. Expedite review and decision-making for Part B permit applications

All land disposal facilities must have submitted a Part B permit application by November, 1985 in order to continue to operate. Processing of these permit applications must be completed by November, 1988. During FY 1987 and 1988, the Agency and the States will evaluate permit applications so that permit determinations can be completed by November, 1988. Review of Part B permit applications is a lengthy, iterative process, involving negotiations with the facility's owner/operator, public meetings, and enforcement activities. Approximately 500 land disposal facilities had already applied for an operating permit by the end of FY 1985.

- o As indicated previously in this guidance, FMP's are the mechanism to develop a strategy to move facilities through the permitting process in a timely fashion. Regions and States will use a team approach to coordinate permitting and enforcement action at the facility. Agency/permittee meetings, documented as part of the regulatory record, will be used to facilitate the permitting process.

- o EPA and States will continue to streamline the permitting process.
- o Priorities for permitting are land disposal, incineration, and alternative treatment facilities. Lower priority permits, such as non-environmentally significant storage facilities will be processed on a slower schedule.
- o EPA and States will work to expand public involvement during the permitting process.

6. Improve compliance at Federal facilities

OSW continues to issue permits to Federal facilities. Headquarters is working closely with the Regional federal facilities coordinators who are responsible for program coordination with Federal agencies. It is a priority to make compliance at Federal facilities a model for all RCRA Subtitle C facilities. OSW has developed a policy document which emphasizes the Agency's commitment to enforce RCRA permitting requirements at Federal facilities.

- o EPA must conduct all inspections at Federal facilities, as well as all facilities owned by State and local governments. State inspectors may accompany EPA inspectors. Whenever possible, inspections should be facility-wide to identify corrective action needs.
- o EPA encourages States to take prompt and appropriate enforcement action when violations are identified, including formal enforcement actions for Class I violations. When States cannot or will not take action, EPA will take enforcement action.
- o Regions should use 3008(h) to compel corrective action, as appropriate, at Federal facilities.
- o EPA and states should continue monitoring to ensure compliance with orders.

7. Provide technical support to the criminal enforcement program

During FY 1987, the Agency will continue to take criminal action in cases in which a person knowingly violates interim status or permit requirements, causes hazardous waste to be transported to unauthorized facilities, or exports hazardous waste without meeting certain conditions.

- o Particular attention will be given to persons who knowingly and illegally dispose of hazardous waste.
 - o EPA and States must develop an effective communications strategy to publicize successful criminal action as a deterrent to the rest of the regulated community.
8. Promote innovative compliance monitoring and enforcement of the small quantity generator regulations.

EPA and States must develop new and innovative approaches relying on intensive public education efforts and targeted enforcement approaches.

GOAL II Control the use of existing commercial chemicals and pesticides that pose an unreasonable risk to health and the environment

OSWER is committed to creating a link regarding information on commercial chemicals and hazardous waste from those chemicals.

1. Shared basic research

OSWER will work with the OPTS to coordinate and share basic research on a variety of chemicals and toxic substances. The program can draw upon both the methodology and the substantive conclusions reached through the risk assessment and management activities of OPTS.

2. Pesticide disposal

Joint efforts will also be undertaken to develop effective approaches to disposal of pesticides as this activity overlaps the mandates of the hazardous waste and pesticide programs.

3. Listing decisions

While OSWER faces increased requirements and pressures to list large numbers of toxic materials as hazardous waste, it will cooperate with OPTS in making its listing decisions. It can draw upon data developed by OPTS in its new chemical/new pesticide reviews and registration standards reviews to assist in this effort.

4. Land disposal bans

OSWER will work with OPTS and use TSCA information gathering authorities to obtain needed data.

GOAL III Anticipate and prevent future environmental problems and maintain high levels of environmental quality

OSWER will work to prevent risks from hazardous waste treatment and disposal activities in the future through development of new regulations and programs and revisions of existing regulations.

1. Fix existing regulatory framework where appropriate

o Appendix VIII

In FY 1987, the program will make final changes in its groundwater monitoring requirements, especially the requirements for monitoring the hazardous constituents listed in 40 CFR Part 261, Appendix VIII. Owners/operators of facilities and the EPA Regions, have requested Headquarters assistance in implementing groundwater regulations. Short-term fixes will occur in FY 1987. For example, in consultation with outside experts in December 1985, OSWER will produce short-term guidance on how to apply the constituents listed in Appendix VIII to the permitting program.

o Clean closures

The requirements for closure of interim status surface impoundments now allow closure of a facility with no post-closure care requirements, if an owner/operator can demonstrate that the remaining hazardous wastes have been removed. The closure standards for characteristic wastes at interim status facilities are not consistent with those of finally permitted facilities. In FY 1987, the program will amend these regulations to resolve the inconsistencies. Further, OSWER will also ensure that closure standards are made consistent with those specified in our regulations on land disposal restrictions.

o Definition of solid waste

The regulations on the "definition of solid waste" set out which secondary materials are excluded from hazardous waste regulation because they are recycled in

certain ways or otherwise integral in an industrial process. These regulations are complex and relate to many segments of the hazardous waste regulations. The Agency will continue to simplify wherever appropriate.

- o Delisting program

OSWER will develop a comprehensive delisting strategy that involves Regional and State determinations on site-specific delisting petitions.

- o Major/minor permit modifications

Current and proposed RCRA regulations require a resource-intensive administrative process for approving most modifications to RCRA permits once they have been issued. Although some minor modifications can be made without public notice and opportunity for comment, most permit modifications ("major modifications") require adherence to 40 CFR Part 124 public participation requirements, including public notice and the opportunity to comment.

During FY 1986, the program intends to revise current permit regulations to allow greater flexibility in making changes to facilities' equipment operations. The use of regulatory negotiation for this issue is being explored. The environmental community has raised the sharpest criticism with regard to changing the regulations. The Agency, States and owners/operators agree, however, that some modifications should be made outside the cumbersome, full-blown process.

- o Mobile treatment

The Agency will develop mechanisms to improve the currently complex procedures for permitting mobile treatment units in cases of site-specific cleanups where the treatment facilities may not be needed permanently. It has proved inefficient and counter-productive to require a Federal permit and a permit within each State where treatment is needed.

- o Financial assurance criteria

OSWER must promulgate regulations specifying financial responsibility requirements for facility owners/operators for corrective actions (HSWA sections 206 and 208).

- o Subparts X and Y

Regulations will be developed for the treatment, storage and disposal facilities using management practices not currently addressed by our regulations, (i.e., non-incineration thermal treatment, open detonation). In addition, regulations will be developed for experimental facilities for treatment of wastes in salt domes, salt beds, mines and caves.

2. New initiatives

- o Burning and Blending

OSW is phasing in regulations to control burning and blending of waste fuels. These rules will provide controls for storage and transportation of all fuels that contain or are derived from hazardous waste and used oil, and permit standards for burning such fuels in industrial and utility boilers and industrial furnances. The Agency would prohibit burning of waste fuels in non-industrial boilers. In FY 1987, OSW must focus in developing the proposed technical standards. Some of the issues OSW must address during FY 1987 are:

- whether to use a site-specific risk assessment v. general performance standards;
- whether to tailor permit standards for facilities burning hazardous waste fuels by developing design and operating requirements and a waste specification for permitting boilers and industrial furnaces rather than the expensive and complicated trial burns required for incinerators to demonstrate effective combustion of toxic organics; and
- whether to permit facilities under permit-by-rule standards which would not require interaction between facility owners and operators and Agency officials.

- o Small Quantity Generators

OSWER will promulgate the small quantity generators rule in the spring of 1986. We estimate that these new requirements will affect approximately 175,000 establishments that produce small quantities of hazardous

waste. OSW must inform small quantity generators about the new requirements and assist them to determine their regulation status and fulfill their new responsibility. OSW has developed and will implement a 3-phase outreach program. Phase 1 of the outreach program is underway. In FY 86-87, OSW will focus on implementing phase 2 which includes:

- working with trade and professional associations, trade press, and other national groups to alert the small business community about these new requirements;
- developing and disseminating print and audio/visual materials to explain new requirements; and
- assisting State and local agencies to develop State-specific education/outreach programs and target affected business.

° Subtitle D

In FY 1987 and FY 1988, the program will proceed with a major new initiative in the area of non-hazardous waste (Subtitle D) landfills. By November 1987, the Agency must report to Congress on the adequacy of the existing landfill criteria to protect human health and the environment from ground water contamination. It will recommend additional enforcement authorities, if they are needed. In FY 1988, the Agency must revise the criteria for facilities receiving hazardous household or small quantity generator wastes. At a minimum, the Agency will require groundwater monitoring, establish location criteria, and provide for corrective action, where appropriate.

Since there are approximately 275,000 Subtitle D facilities and limited Federal, State and local resources to tackle this issue, careful attention will have to be focused on those facilities and wastes most likely to cause adverse health and environmental problems. The program has already begun a massive outreach effort involving State and local officials as well as many representatives of the private sector. The activities will be expanded during FY 1987.

- Waste minimization

Securing implementation of appropriate waste reduction/minimization methods on the part of generators will be an important part of the hazardous waste program for FY 1987. The Agency will be issuing a Report to Congress on Waste Minimization at the beginning of FY 1987. This area holds promise for helping to abate capacity shortfalls and for assuring the public that effective efforts are being made to manage waste responsibly.

- o Land disposal restrictions

An integrated regulatory approach to land disposal restrictions that protects human health and the environment will continue to be developed and implementation initiated during FY 1987. This approach will take into account various components that, to a large degree, are now considered separately: standards for corrective action; minimum technological requirements (e.h., liners, leachate collection systems); facility location criteria; land disposal restrictions; standards for determining how clean is clean; standards governing facility closure; and determination of what constitutes a release of a hazardous substance or waste.

During FY 1987, the land disposal restriction program will be extremely active. Final regulations establishing a framework for determining which wastes will be banned from land disposal will be promulgated in FY 1987. In addition, final rules on land disposal restrictions pertaining to dioxins, solvents and the "California list" of hazardous wastes must be issued by July, 1987. The final rule regarding land disposal restrictions on the first one-third of those wastes listed by EPA as hazardous must be promulgated by August, 1988.

- o Comprehensive approach to listings

During FY 1987, the program will examine alternatives for a comprehensive listing strategy. Regulations for EPA toxicity testing are due by March, 1987.

Environmental and public health protection will be increased through key new listing decisions regarding the waste generated by industries associated with

petroleum refining and wood preserving, as well as the listing of used oil and additional solvents. Other benefits may accrue from decisions based upon the section 8002 large volume studies which will review waste treatment and disposal in the mining, utilities, and oil and gas industries as well as wastes treated in cement kilns.

3. Increase public education/outreach efforts.
 - o Headquarters is considering several candidates for negotiated rulemaking, including major/minor permit modifications, financial assurance for corrective actions, PCB regulation, and groundwater monitoring requirements (Appendix VIII). Further, we will have major outreach efforts in the areas of small quantity generators and Subtitle D.

III. APPENDIX

SUPPLEMENTAL GUIDANCE

<u>Document</u>	<u>Estimated Availability</u>
Location Standards Guidance, Phase II (Final)	5/86
Land Treatment Standards (Final Draft)	12/86
Guidance on Retrofitting Surface Impoundments (Final Draft)	6/86
Guidance on Bulk Liquid Hazardous Waste (Final)	8/86
Guidance on Corrective Action (Final)	10/86
Preliminary Assessment/Site Investigation Guidance (Final)	6/86
Closure Policy (Draft to Regions)	8/86
Interim Exposure Assessments Guidance (Draft to Regions)	1/86
Alternative Concentration Limits Guidance (Final)	8/86
FY 1987 RCRA Implementation Plan	4/86

Tentative Outline of the FY 1987 RCRA Implementation Plan (RIP)

- (1) Goals and Priorities
- (2) Facility Management
- (3) Compliance Monitoring and Enforcement
 - o Inspections
 - o Enforcement
- (4) Permitting
 - o Joint Permitting
 - o Permit Processing Priorities
 - o Exposure Information
 - o Surface Impoundment Retrofitting Waivers
 - o Public Involvement
- (5) Corrective Action
- (6) Closures
- (7) State Authorization
- (8) Federal Handlers
 - o Annual EPA Inspections
 - o Biennial Inventory
 - o EPA Enforcement for Federal Handlers
- (9) Oversight
 - o Requirements for State Grant Work Programs
 - o Evaluating Performance
- (10) Grants Administration
 - o Grant Allotments
 - o Use of Grant Funds
 - o Training
- (11) RCRA Reporting
- (12) Strategic Planning and Management Systems (SPMS)

FY 1987 UNDERGROUND STORAGE TANKS OPERATING GUIDANCE

I. INTRODUCTION

The Office of Underground Storage Tanks (OUST) is a new Office established at EPA to respond to the requirements of Subtitle I of HSWA. The Underground Storage Tanks (UST) program is new in the sense that the HSWA amendments ask EPA to address this program area. We recognize, however, that some local and State governments have been dealing with environmental and health problems caused by leaking underground storage tanks for many years.

What may be new is the national recognition that leaking underground storage tanks are a much more frequent occurrence than any of us realized. Congress has indicated, in Subtitle I, that the Underground Storage Tank program may be run by approved States "in lieu" of a Federal program. We will emphasize that approach by focusing on providing tools for development of approvable State programs. We will also develop means to address the needs of individuals on the firing line. This may be a local fireman, or inspector, a tank installer, a facility owner or operator, or a State or local agency regulator.

A) PROGRAM PRIORITIES

We are committed to developing implementable regulations that protect human health and the environment. We are also committed to giving States every incentive to apply for UST program approval. There are many uncertainties and unknowns in this field, many questions left to be answered. Therefore, we will seek to promote the development and exchange of useful and practical information and minimize requiring or directing specific approaches to be adopted.

Our goal is to have organizations, trained people and effective methods available, over time, to deal with the problem of underground storage tanks and to prevent leaks in the future. EPA's (Headquarters and Regions) role is to help bring this about through support and assistance to State program development while developing a Federal program standard to protect human health and the environment.

To assist States in developing their UST programs, we will evaluate a variety of alternative funding mechanisms the States may use to supplement Federal program grants. Different approaches are already being used in several States; we will assess these mechanisms and work with the States to identify those that are successful.

To summarize, the UST program is designed to halt the installation of tanks that are most likely to leak from corrosion, help States identify the universe of tanks to be regulated, establish standards for tank design and leak detection and clean up damage where leaks have occurred.

II. GUIDANCE

Regulations

The highest priority task for FY 1987 is completion of proposed regulations for tank technical standards, corrective action and State program approval. OUST will develop these regulations through the workgroup process with extensive participation from the Regions and States. In particular, OUST will cooperate with CERCLA and RCRA staffs to address the disposal of used and removed tanks. Research findings from EPA projects and others will support these workgroup efforts.

Notification

Early in FY 1986, the Office of Underground Storage Tanks (OUST) promulgated the rule on notification including the Federal notification form. This primary goal was accomplished with considerable input from the Regions and the States. We issued a Notification Handbook to explain the process to States and recently developed a software program tailored for use in the State notification programs. This software program and relevant training were provided to over two-thirds of the States. OUST, with Regional support, will continue assisting the States with notification. The data from notification will be used to report to Congress on the program size and problem and may be used to determine grant allocations in FY 1988.

In FY 1987, OUST will work with States to identify classes of non-notifiers. We will work with the States to analyze notification data so they can characterize reliably the regulated universe and to take follow-up action as necessary. User groups will be formed to take advantage of analyses, reports and State uses of the notification data.

State Programs

State grant guidance for FY 1987 will be developed by mid-1986 with an eye towards incentives for States to seek UST program approval. Although the grant allocation formula remains the same for FY 1987, the State match will increase from 5% to 15%.

During FY 1987, OUST will implement and support the FY 1987 State Grant Program with assistance from the Regions and grant and contract support. These groups will also develop the State grant guidance for FY 1988. The State match will probably increase again in FY 1988 to 25%.

The OUST program will be working in close cooperation with the Regions and the States to ensure program implementability. We will seek to use a team approach in managing grants and contracts with the Region acting as task managers wherever possible.

Headquarters and Regions will begin reviewing State enabling legislation when it exists and encourage development of appropriate legislation where needed. OUST has developed and distributed for comment a DRAFT Model Enabling Legislation for use by States. We will finalize it in mid-1986.

Outreach

We will continue to have an active Outreach program. Commentary and slide shows describing the requirements of Subtitle I, the UST program and the UST problem have been provided to the Regions. Several hundred thousand UST information pamphlets and notification forms are being distributed to the States and Regions. Extensive outreach efforts are also being coordinated with the various trade associations, industry groups, States and environmental groups. A newsletter is distributed quarterly to a mailing list of over 1,000 persons.

Interim Prohibition/Enforcement

As a priority, OSWER, in working with the Regions, will develop grants and cooperative agreements with States to enforce the notification and interim prohibition requirements. OSWER will develop a compliance inspection and enforcement strategy and will also develop guidances for enforcement of notification and interim prohibition.

III. APPENDIX

SUPPLEMENTAL GUIDANCE

<u>Document</u>	<u>Estimated Availability</u>
<u>Enforcement Guidance</u>	
Interim Prohibition	September 1986
Notification	September 1986
<u>State Program Approval Plan</u>	September 1986
<u>State Grant Guidance (FY 1987)</u>	June 1986

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Office of
Pesticides
and Toxic Substances

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OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
PROGRAM GUIDANCE FOR 1987

I. INTRODUCTION AND STRATEGY

The 1987 guidance for the pesticides and toxic substances program is the product of a very deliberate development process. The strategy and guidance are in accordance with the direction of EPA management, as expressed in the Agency priority list and the Administrator's Management Plan. The current position of the pesticides and toxic substances programs was carefully considered as were the major thrusts of the 1987 budget. The lead region for pesticides and toxic substances was a full partner at all stages of the guidance development process.

Strategy

The basic authorities for the pesticides and toxic substances programs are the Federal Insecticide, Fungicide and Rodenticide Act and The Toxic Substances Control Act. These acts are similar in important respects. Both acts recognize the inherent risks to human health and the environment from pesticides and toxic chemicals and, at the same time, their numerous benefits. Both acts also recognize the need to balance the benefits and risks of pesticides and toxic chemicals -- both new products and those already in the market place.

Historically, in the pesticide and toxic chemical programs the establishment of programs to evaluate the risks and benefits of new products took precedence over the establishment of programs to evaluate existing products. The result was that new products were subject to more stringent standards than chemicals and pesticides that had been in use for many years.

In the past several years a great deal of progress has been made in developing and testing mechanisms to review existing products: the 60,000 toxic chemicals in commerce when TSCA was passed and the 40,000 pesticide products comprised of 600 active ingredients. In the pesticides program, generic chemical review, with its components of registration standards, data call-in, and focused

Special Reviews, has been proven to work. At the end of 1985 registration standards for 117 pesticide active ingredients had been developed and essential chronic testing data for all food use chemicals had been called in. In addition, over 65 pesticides have been subjected to Special Review; numerous products have been suspended from use or have had certain uses restricted.

In the toxic substances program a phased program to identify, evaluate and control the risks of existing chemicals has been established. The program has screened over 3,000 chemicals. There are approximately 85 chemicals undergoing detailed information gathering and analysis at all times and risk management actions have been completed on 12. These actions include: Section 6 rules on PCBs, asbestos, dioxins, and chlorofluorocarbons; Section 9 referrals to the Occupational Safety and Health Administration on 1,3-butadiene and 4,4-MDA for potential workplace safety measures; a significant new use rule on hexachloronorbornadine, and chemical advisories alerting the public to potential problems related to used motor oil, burning used oil, nitrosamines in cutting fluids, leaking underground storage tanks, MBOCA, butyl benzaldehyde, butyl benzoic acid, and butyl toluene. Risk management actions under Section 6 and/or Section 9 are being developed for asbestos, methylene chloride, glycol ethers, metalworking fluids, and formaldehyde. In addition, rulemakings to define significant new uses for several other existing chemicals such as urethane are in progress.

1987 Priorities

The single overriding priority of the 1987 pesticides and toxic substances programs will be the emphasis given to existing chemical programs. The importance of this emphasis is reflected by the Agency's having established reduction of risk from existing pesticides and toxic substances as its first priority in 1987.

In the pesticides program in 1987, the emphasis on existing chemicals will take several forms. Missing data for non-food use pesticides will be called in, the call-in of chronic data for food use chemicals having been completed. Final Registration Standards and Tolerance Reassessments will be developed for some

priority chemicals with completed data bases. Registration Standards will be developed for some pesticides used as inert ingredients. The sampling phase of the pesticides-in-groundwater survey will continue and several special groundwater studies will be initiated. Finally we will begin to review and revise State restricted use applicator certification and training plans to update them to agree with current requirements.

In the toxic substances programs, we will also address existing chemical problems using a multi-statute approach in which TSCA may be used to gather information, for action under another agency statute, or to control the problem. We will also expand the category approach to all aspects of the program. We will place greater emphasis on using human exposure as a basis for initiating existing chemical evaluations. The unique features of TSCA will be used in special efforts aimed at groundwater contamination and acute hazards.

We will also continue to emphasize toxic substances enforcement case development work in the regions and compliance assistance to the regulated communities in order to improve the efficacy of TSCA regulations.

In both the pesticide and toxic substances programs, we will continue to emphasize the need for integrity of laboratory test data. The laboratory inspection program was strengthened in 1986 by centralizing more functions in the National Enforcement Investigation Center.

We will continue to ensure that the business of the Agency's toxics and pesticides programs is openly, accurately and fairly conducted. EPA will use the Communications Strategy Plan process, coordinated by the Office of External Affairs, to inform the public and effected groups of the regulatory decisions and actions we take.

Changes from 1986

In both the pesticide and toxic substances programs the 1987 guidance is essentially the same as the 1986 guidance. Changes reflect, principally, 1986 tasks that will have been completed by 1987, and the natural movement toward "next steps."

In the pesticides program, the principal changes include the movement of the non-food use data call-in program in 1987 from pilot to an operational program, initiation of a limited program (in 1986 and 1987) to develop Final Registration Standards and Tolerance Reassessments for pesticide chemicals with complete data bases, evaluation of product chemistry data called-in in 1986, and the development of registration standards for at least one pesticide used as an inert ingredient. We also have planned a pesticides-in-groundwater survey since the 1986 guidance was written and will complete a substantial proportion of the sampling phase in 1987. Finally, we plan to review and revise State restricted use pesticide applicator certification and training plans in 1987 in order to update them with current requirements.

In the toxic substances program, the principal changes are the greater use of TSCA to support cross media environmental problems such as groundwater contamination and acute hazards, expansion of the category approach and increased attention to those chemicals for which there is evidence of high human exposure.

II. PESTICIDES 1987 GUIDANCE

In 1987, the Pesticides Program will continue to emphasize the review, through the Generic Chemical Review program, of existing pesticides. Existing product registrations are largely supported by incomplete data, or data which is inadequate by today's standards. By first obtaining needed high quality data and then evaluating it and making necessary risk control decisions, public trust in EPA pesticide oversight will be strengthened.

A. Program Goal: Protect Health and the Environment from Any Unreasonable Adverse Effects from Pesticides Currently in Use.

The principal programs in this area are Data Call-In, Registration Standards, and Special Reviews. The Data Call-In program, by which existing pesticides data bases are updated to meet today's standards, will shift in 1987 from calling in exposure data to calling in data for non-food use pesticides and evaluating product chemistry data called in in 1986. The 1987 program includes continued development of Registration Standards, review of studies submitted in response to data call-in and earlier registration standards, and completion of at least one Final Regulatory Standard and Tolerance Reassessment (FRSTR). The 1987 program also includes Special Reviews of the risks and benefits of pesticides suspected of causing unreasonable adverse effects on human health and the environment. The need for Special Reviews may be identified during the establishment of a registration standard, during review of data supporting applications for the registration of new chemicals, during the revision of existing registrations, or by referrals from other sources.

1. Program Objective: Continue the review of previously registered chemicals currently being used.

a. Key Program Activities:

- (1) By the end of 1986, the pesticides program will have completed 142 Registration Standards. In 1987, 25 additional Standards will be established. (Fewer standards may be established if, due to high exposure or indications of potentially unreasonable risk, it is found necessary to increase the number of Final Regulatory Standards and Tolerance Reassessments - FRSTRs).

Registration Standard reviews will continue to be conducted on clusters of similar-use pesticides (e.g., insecticides, herbicides, fungicides on given crops) in priority order of their exposure and potential hazard. By the end of 1987, registration standards will have been established for essentially all chemicals in 9 of the top 10 clusters. (HQ)

- (2) We will continue the program begun in 1986 to improve the rate of compliance with registration standard data and label requirements. (HQ)
- (3) A Final Regulatory Standard and Tolerance Reassessment (FRSTR) will be developed on at least one high priority chemical, beginning in 1986 on a pilot basis and continuing in 1987. FRSTRs are conducted on chemicals where the data base has been completed, in response to Data Call-In and Registration Standard requirements, and involve the comprehensive review and updating of the regulatory position of the standard and, in the case of food use pesticides, reassessment of tolerances. (HQ)
- (4) In 1986 we will evaluate a 1985 pilot project which required registrants to identify and fill data gaps for non-food use chemicals. Based on the evaluation, we plan to implement the non-food use DCI program in 1987. (HQ)
- (5) In 1987, the product chemistry data called in during 1986 will be evaluated to develop an up-to-date data base essential for determining inerts, impurities, and contaminants (e.g., dioxin and DDT) of toxicological concern in pesticides. (HQ)
- (6) Studies generated by Data Call-In and required by Registration Standards will continue to be reviewed as received in 1987 if they meet the criteria for early review:
 - product chemistry and acute toxicity data necessary to approve label changes
 - tiered test data
 - data flagged in accordance with flagging criteria imposed by EPA or submitted in accordance with the adverse effects provision of FIFRA § 6(a)(2) which requires registrants to report information indicating potential adverse effects.

-- studies identified during the establishment of a standard as critical to resolving a health or safety problem.

The Agency will rigorously enforce the 6(a)(2) provision. (HQ)

- (7) The survey to sample pesticides in groundwater, designed in 1985 and begun in 1986, will continue in 1987. This statistically based, stratified survey for about four dozen pesticides is being supported by both the Office of Pesticide Programs and the Office of Drinking Water. (HQ)
- (8) Work will continue in accordance with the National Pesticide Monitoring Plan (NPMP) to further develop a national information clearinghouse on pesticide monitoring activities and to provide guidance to the monitoring community on priority pesticide monitoring needs.

The regions will conduct training programs for State personnel as they develop the capability to address the problems of groundwater contamination, especially recognition and enforcement of use restrictions. Assistance will also be provided to State lead agencies to educate users on the proper handling of pesticides with groundwater restrictions. The regions will also be involved in studies of groundwater problems that are unique to a particular geographic area. (RGNS)

- 2. Program Objective: Restrict or ban the use of pesticides posing unreasonable adverse effects to human health and the environment.

In approximately 25% of the Registration Standards established to date, health problems have been identified requiring the comprehensive evaluation of pesticide risks and benefits through the Special Review process. Candidates for Special Review are also identified in the course of reviewing data supporting applications for the registration of new chemicals or for the revision of existing registrations, or by referrals from other sources.

a. Key Program Activities

- (1) Special Reviews initiated in 1987 will continue to employ revised risk criteria that more realistically reflect actual exposure and hazard. Opportunity will be available for public participation in the evaluation process. Formal hearings are expected to be required on proposed Agency cancellation/suspension actions on suspect chemicals. The regions and state programs will give extra attention to enforcing stop sale orders on cancellation/suspension actions. (HQ)
- (2) Where feasible, alternatives to cancellation for mitigating unreasonable risk will be pursued, such as modifications to the terms and conditions of use, and improved pesticide labeling (e.g., requirements for protective clothing and equipment, reentry intervals, warnings, directions for emergency treatment, etc.) to reduce risk. The Agency will also promote use of closed-system containers, child-proof packaging, and safe container disposal practices, and will continue to refine disposal instructions for pesticides, pesticide containers and rinsates, working closely with the hazardous waste program. (HQ)
- (3) Tolerances for cancelled pesticides will be revoked and replaced with appropriate action levels where necessary. This is a continuation of a process which started in 1985. (HQ)
- (4) The Special Review process will continue to focus on review of clusters of similar use pesticides such as wood preservatives, termiticides, and grain fumigants, when appropriate. We will also begin to examine the problem of stimulating industry innovation in high-risk classes such as fungicides. (HQ)
- (5) The program will cooperate closely with the Toxic Substances program on high priority chemicals where TSCA data may be available or TSCA data gathering authorities

may be useful. We will also continue a pilot program, begun in 1986, to broaden registration standards for active ingredients, which are also used as inerts, to consider exposure due to inert uses. (HQ)

3. Program Objective: Reduce the incidence of pesticide misuse.

a. Key Program Activities:

- (1) Encourage the States, which are the primary operating arm of the national pesticides compliance monitoring effort, to increase the level of State pesticide use inspections conducted under Federal/State cooperative enforcement agreements, particularly with regard to groundwater contamination, chemigation, aerial drift, the proper use of restricted use pesticides such as wood preservatives and 1080 collars, enforcement against the use of cancelled or suspended products, and misuse of registered products. Annual guidance will be developed which will indicate priorities for the cooperative agreement program. Commitments to be included in the cooperative agreements will be negotiated by the Regions and States with the States using the formal priority-setting mechanism to establish priorities within their own programs. EPA will also request information from the States on their State enforcement response policies (HQ/RGNS)
- (2) State applicator certification and training programs will be strengthened through the review and revision of State applicator certification and training plans to update them to agree with current (or new) requirements and to make them consistent from state to state. We will also continue to develop and implement new or revised training materials and programs, especially in specific areas where such training materials do not exist or are inadequate, such as wood preservatives, fumigants and groundwater. (HQ/RGNS)

- (3) Federal oversight will be maintained in all cases to assure nationwide consistency in the pesticides compliance monitoring program and that timely and appropriate enforcement action is taken. (RGNS)
- (4) The Agency will operate Federal compliance monitoring and enforcement or certification and training programs in instances where States are unwilling or unable to conduct their own programs. (RGNS)
- (5) Federal case development support will be maintained for referrals of State enforcement actions and in EPA-operated maintenance programs. (RGNS)
- (6) The Agency seeks to integrate criminal enforcement into the overall compliance monitoring/enforcement programs. Accordingly, regions should identify and refer to the Office of Criminal Investigation (OCI), cases or incidents that concern knowing/willful violations resulting in human death or major environmental harm, that involve egregious repeat offenders, or that involve data fraud or pesticide misuse. These cases are further limited to those which occur in States for which EPA has primary enforcement responsibility, or which are referrals from States. Activities to integrate the programs should include cross-referrals within the Regions between OCI and the program office. The regions will also provide technical and program support to criminal investigations and prosecutions, as necessary. (RGNS)
- (7) Revisions to the FIFRA and TSCA Enforcement System (FATES) which contains all enforcement data, will be continued, with input from the Regions, to increase its efficiency and usefulness. (HQ/RGNS)

- (8) Small business outreach efforts will be developed in the area of compliance with FIFRA. (HQ)
- (9) We will begin to examine administrative and statutory alternatives to strengthen the compliance program. (HQ/RGNS)
- (10) We will develop cooperative enforcement and certification and training programs with Indian Tribes to address problems of pesticide use and misuse. (HQ/RGNS)
- (11) EPA will maintain compliance monitoring programs at Federal facilities. (HQ/RGNS)

4. Program Objective: Conduct research and develop methodologies to support existing pesticide risk reduction efforts.

a. Key Program Activities:

- (1) The research program will emphasize the development of methodologies and techniques needed to evaluate health and environmental risks associated with existing pesticides. These important tools are critical to both the testing and regulation of existing pesticides. (HQ)
- (2) Models for evaluating environmental concentrations of pesticides and for determining health risks will continue to be developed and validated. Hazard assessment methodologies which are critical in risk analysis of chemicals will also be developed. (HQ)

B. Program Goal: Prevent Unreasonable Risks From New Pesticide Active Ingredients And Products And Encourage Use Of Safer Products (New Or Old).

The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA) provide for Agency control of the terms and conditions

under which new pesticides may be legally used in the United States, through pre-market reviews of their potential human and environmental effects. Registrations permit pesticide use under specific limitations, and Tolerances specify maximum pesticide residues permitted on food and feed products. Exceptions may be made to registration requirements under the Special Registration program which provides for unregistered uses for experimental purposes or in emergency situations, and for registrations by the States for special local needs.

1. Program Objective: Provide careful review to assure that new pesticides do not add unreasonably to total risk.

a. Key Program Activities:

- (1) The program will continue to be alert for applications for new chemical or new use registrations which indicate a possible need for intensive risk/benefit analysis. Agency forums such as the Scientific Advisory Panel will be used to review difficult science issues. (HQ)
- (2) Current monitoring efforts will be redirected to focus more effectively on special problems such as groundwater contamination, and guidance for monitoring, predicting, and preventing pesticide contamination of groundwater will be provided to registrants. (HQ)
- (3) Methodologies for assessing risks posed by new products of biotechnology will continue to be refined in 1987. (HQ)
- (4) Problems of pesticide application such as aerial spray drift and chemigation will be assessed and appropriate regulatory action taken. (HQ)
- (5) The safety of farm workers and families will continue to be promoted. Revised Worker Protection Standards to encourage safe pesticide use practices will be the subject of regulatory negotiation and will be proposed in 1986; a final rule will be published in 1987. (HQ)

- (6) In support of the Agency's goal of pesticide safety, the program will undertake to expedite the availability of fundamentally new products to displace riskier, older products. (HQ)
- (7) Integrated Pest Management (IPM) technology will be encouraged, and where appropriate, IPM alternatives will be considered in risk/benefit decisionmaking. (HQ)
- (8) Improvements in information management and automation support will continue in 1987, with the goal of supporting pesticide program decisionmaking with rapid and comprehensive access to relevant information, and more efficient processes for creating, storing, using and updating important regulatory decisions and supporting technical assessments. Changes to data base systems and content will address regional as well as headquarters needs. These improvements will also provide the public with more meaningful information on the properties and effects of pesticides. (HQ)
- (9) Internationally consistent pesticide tolerances, and greater efficiency in the use of resources expended in tolerance-setting will be sought through the Codex Alimentarius program of the U.N. World Health Organization. (HQ)
- (10) New approaches to the protection of endangered species and other wildlife from pesticide hazards will be developed. One approach under consideration would rely on generic labeling and the use of bulletins distributed by field operations of USDA and Interior Department agencies. The bulletins would provide detailed instruction on the conditions under which pesticides are prohibited as a result of concern for endangered species. The pesticide program will also continue to work to develop requirements for ecological monitoring by registrants. (HQ)

- (11) Experimental use permits, emergency exemptions and special local need registrations issued under Sections 5, 18 and 24(c) of FIFRA respectively, will be monitored to prevent unwarranted circumvention of Section 3 registration requirements. (HQ/RGNS)

2. Program Objective: Insure the integrity of data submitted to EPA.

a. Key Program Activities:

- (1) The Agency will perform both full-scale audits of a sample of completed test studies that have been submitted to EPA and in-process audits of studies being conducted. (HQ)
- (2) Ensuring compliance with Good Laboratory Practice (GLP) requirements is a high priority for the Agency. In cooperation with FDA, Regions II, III and V will perform GLP inspections at at testing facilities. Headquarters (NEIC) will perform GLP inspections in other regions. (HQ/RGNS)
- (3) We will implement the mandatory Agency-wide Quality Assurance (QA) program which ensures that all environmental measurements are of known and documented quality and meet the requirements established by the responsible office or laboratory. Each program office, region, and EPA laboratory must maintain QA programs consisting of a QA program plan and appropriate updates, Data Quality Objectives (DQO's) for specific environmental data-generative activities, and QA Project Plans for all monitoring projects; and must provide for periodic audits to assess compliance with approved QA plans.

III. TOXIC SUBSTANCES 1987 GUIDANCE

The 1987 Toxic Substances program will continue the emphasis on assessment and control of existing chemical problems. While progress is being made in reducing risks from existing chemicals, it is still clear we must continue to seek new ways to improve the effectiveness of the existing chemicals program.

The emphasis we are placing on existing chemicals does not minimize the importance of TSCA's new chemical programs. We will continue to meet the demands placed on us by industry's introduction of new chemical products and to deal with the emerging new chemical programs such as biotechnology.

A. PROGRAM GOAL: Reduce Significant Risks from Existing Chemicals.

(NOTE: Because of the complexity and public interest in the asbestos problem, we have established a program goal for asbestos, separate from the existing chemical program goals.)

The 1987 program continues the emphasis on the category approach to existing chemical evaluation and management. We will also place greater emphasis on using broad-based exposure for determining program priorities. The Agency will address existing chemical problems using a multi-statute approach for which TSCA may be the key information gathering and analysis tool. Under this approach, we anticipate that TSCA information gathering features will be called upon increasingly, especially for special efforts such as groundwater and air toxics.

1. Program Objective: Identify and evaluate the potential risks of suspect existing chemicals.

- (1) In 1987 we will continue our efforts to evaluate chemical categories and begin to develop category chemical testing and chemical control rules. When taking action on a new chemical, we will also consider the need to take some action on existing chemicals in the same structural category. (HQ)

- (2) The National Human Monitoring Program (NHMP) will be continued with emphasis on the identification of chemicals which are found in human tissue and fluids and thus are direct evidence of broad human exposure. NHMP data will be used to identify candidates for Section 4 test rules, to develop baseline/trend data necessary to support regional and State evaluation of local concerns, to set priorities for existing chemicals which warrant regulation under Section 6 of TSCA or other statutes, and to monitor environmental results. We will continue efforts to make this data available to other EPA headquarters and regional offices. (HQ/RG)
 - (3) Section 8(a) and Section 21 will continue to be used as important chemical screening tools that allow public input to our risk identification process; Section 8(a), 8(c), and 8(d) will continue to be used to obtain current production, use and hazard data on chemicals that are under review. We will continue efforts to finalize the Section 8(a) Comprehensive Assessment Information Rule that will facilitate information gathering for all Agency programs. (HQ).
2. Program Objective: Initiate and promulgate regulatory actions under TSCA to reduce risks to human health and the environment from existing chemicals.

a. Key Program Activities:

- (1) The Agency will address existing chemical problems using a multi-statute approach. We will continue to use Section 6 and 9 authorities to deal with existing chemical problems when they are the most effective authority to deal with the problem. Section 9 of TSCA will be used to refer chemical problems to other regulatory authorities. Section 6 will be used where other agency statutes and other EPA statutes do not provide appropriate risk management options. (HQ)

- (2) The significant new use provisions of Section 5 will be used to track the future commercial development of suspect existing chemicals that, based on current production and use information, do not present an unreasonable risk to society. (HQ)

3. Program Objective: Utilize TSCA's unique features to approach cross-media problems in an integrated manner.

- (1) In 1987, we will continue to place a strong emphasis on working jointly with other program offices and other agencies to develop and implement coordinated regulatory and enforcement strategies on priority cross-media chemical problems. (HQ/RGNS)
- (2) We will continue to educate other EPA offices as to the features of TSCA that permit cross-media integrated approaches to problems. (HQ)
- (3) Work will continue at the headquarters, regional, and state level to exchange TSCA information on risk assessment and regulatory activities. (HQ/RGNS)
- (4) We will continue to refine and update the acutely toxic chemical list and chemical profiles. Changes to criteria for including chemicals on the list will be considered and studies may be undertaken of means to improve plant safety. (HQ)

The Regions will serve as contact points for questions from the public, States and communities about the chemical list and profiles. (RGNS)

- (5) We will support the groundwater initiatives through the use of available screening tools (e.g., DRASTIC Index, exposure assessment models) to predict areas which are vulnerable to groundwater contamination. We will also use these tools to establish data collection priorities for areas most likely to be contaminated. The information collection provisions of TSCA may be used to obtain data on groundwater contamination by volatile organic chemicals (VOC's), fertilizers, and waste discharged from septic tanks. (HQ)

4. Program Objective: Conduct research and develop methodologies to support existing chemicals risk reduction efforts.

a. Key Program Activities:

- (1) The research program will emphasize the development of methodologies and techniques needed to evaluate health and environmental risks associated with existing chemicals. These important tools are critical to both the testing and regulation of existing chemicals. (HQ)
- (2) Short-term testing will be conducted to fill critical data gaps for regulatory decision-making on important chemical classes. (HQ)
- (3) We will continue to develop assessment methodologies based upon structural characteristics and physical-chemical properties. These will be used to screen classes or categories of both new and existing chemicals for potential risks and to prioritize chemicals within a category. (HQ)
- (4) Models for evaluating environmental concentrations of chemicals and for determining health risks are being developed and validated. We will continue to develop models to define exposure pathways for toxic chemicals along with methods to extrapolate data from animals to humans; and models and methodologies for predicting quantitatively the toxic activity of chemicals. (HQ)
- (5) Finally, data and models will be developed to predict the release of and exposure to new and existing chemicals via research in environmental engineering and technology. (HQ)

5. Program objective: Continue to strengthen State capacity to deal with existing chemical programs.

a. Key Program Activities:

- (1) The revised 1986 resource and activity level for the State cooperative agreement program will be continued in 1987. (HQ/RGNS)
- (2) Confidential business information concerns preclude the States from participating in the enforcement of certain sections of TSCA. Thus, the States will continue to limit their responsibility to conducting compliance monitoring programs for TSCA Sections 6 only. (RGNS)
- (3) The Office of Enforcement and Compliance Monitoring will support OPTS efforts to strengthen State participation in existing chemical programs by reviewing current State toxic substances laws and developing model State legislation. (HQ)

6. Program Objective: Improve compliance with all toxic substances regulations.

a. Key Program Activities:

- (1) Because of confidential business information concerns the Agency will continue to have the responsibility to conduct Federal compliance monitoring programs for TSCA sections 5, 8, 12, and 13. (RGNS)
- (2) Hazard assessment and information collection inspections under TSCA section 5 and 8 will be conducted by regions II, III, V, and headquarters (NEIC) for other regions. (HQ/RGNS)

- (3) EPA will continue to provide Federal case development support for all enforcement actions, including those resulting from State inspection activity (until the enactment of state laws). Enforcement and litigation priorities will include laboratory data cases, PMN cases, and PCB disposal. In cases involving settlement with conditions, the regions will insure the conditions are met. (RGNS)
- (4) The Agency seeks to integrate criminal enforcement into the overall compliance monitoring/enforcement programs. Accordingly, Regions should identify and refer to the Office of Criminal Investigation (OCI) cases or incidents that concern knowing/willful violations resulting in human death or major environmental harm, that involve egregious repeat offenders, or that involve data fraud. Activities to integrate the programs should include cross-referrals within the Regions between OCI and the program office. The Regions will also provide technical and program support to criminal investigations and prosecutions, as necessary. (HQ/RGNS)
- (5) Compliance assistance will receive continued attention in 1987., Compliance assistance involves alerting the regulated community of EPA regulatory actions, and providing advice and direct assistance to industry in its efforts to comply with TSCA rules. These tasks are particularly important between the time EPA issues a proposed or final rule and the time a final rule becomes effective and enforceable. Outreach and interaction before EPA begins compliance monitoring for a new rule will increase the capacity of industry to comply and result in more effective use of EPA compliance monitoring resources. (RGNS)
- (6) The regions will continue to be involved in the multi-media effort to implement the national air toxic strategy. They will continue educating the public as to the purpose and contents of the list of acutely toxic chemicals and the potential problems and remedies. They will also work with state and local governments as they develop contingency plans and the ability to address potential problems. (RGNS)

- (7) The Agency, with input from the Regions, will continue to revise the FIFRA and TSCA Enforcement System (FATES) to increase its efficiency and usefulness. (HQ)
- (8) EPA will continue to send draft compliance strategies to the Regional Offices and, as necessary, to the States, for comment before publication. (HQ/RGNS)
- (9) We will continue to emphasize small business compliance issues in developing TSCA compliance monitoring strategies. (HQ)
- (10) EPA will conduct compliance monitoring programs at Federal facilities. (HQ/RGNS)

B. PROGRAM GOAL: Address Hazards from Asbestos

- 1. Program Objective: Strengthen the asbestos-in-schools and public and commercial buildings program.

a. Key Program Activities:

- (1) Technical assistance activities will be continued. Activities include (1) operation of the toll-free number, (2) guidance to school officials and public and commercial building owners and managers, and (3) dissemination of information materials. The role of the regional asbestos coordinators will continue as an integral element of the technical assistance program as they provide assistance on both abatement and compliance issues. (HQ/RGNS)
- (2) Three regional pilot information centers were established in 1985 to provide information concerning the identification and abatement of asbestos hazards and to educate

and train people in proper asbestos identification and abatement techniques. Three additional centers may be opened in 1986 or 1987. (HQ/RGNS)

- (3) The state contractor and consultant and certification program will be expanded from 28 states expected at the end of 1986 to 36 in 1987. These programs help ensure adequate training and certification of contractors involved in abatement projects. (HQ/RGNS)
- (4) Compliance with the worker protection rule for public employees not covered by the current OSHA rule will be a major priority in 1987 for both the regions and the contractor. We also anticipate that inspection activities will be directed toward compliance with the contractor certification requirements imposed by Congress through the ASHAA program, asbestos abatement worker training rules to be proposed by OSHA and EPA, and a possible rule requiring the reinspection of schools for asbestos. Wherever TSCA enforcement cooperative agreements are in place the States will conduct compliance monitoring inspections in support of the asbestos worker protection rule. (RGNS)
- (5) The Agency will move toward promulgation of the Section 6 rule to ban certain asbestos products and to phase out the use of asbestos in all other products. (HQ)
- (6) We will continue to refine guidelines to assist the public in identifying those situations in which asbestos containing materials present a serious risk. (HQ)
- (7) Field studies to examine the efficacy of various asbestos abatement technologies, and the feasibility of air monitoring before, during, and after abatement will continue in 1987. Because of the insidious environmental characteristics of asbestos, control technologies must be thoroughly investigated prior to public recommendation or endorsement by EPA. (HQ)

- (8) In 1986, we intend to develop a case study of an exemplary private asbestos abatement effort; the study will be disseminated in 1987. We will also conduct a survey of the manner in which public building owners, in general, are addressing asbestos problems. This will help us tailor our technical assistance programs. (HQ)

C. PROGRAM GOAL: Prevent Risks From New Chemical Substances And Significant New Uses Of Existing Chemical Substances

In 1987, our emphasis in the new chemicals program will be on continuing to operate a careful but efficient premanufacture review program that is responsive to the workload demands generated by industry's submission of notices. There will be increased attention to close coordination of reviews and actions with other programs to ensure that decisions are consistent across the Agency and that future environmental problems (e.g., air, water, or disposal) are effectively prevented. Close coordination with the existing chemical program will be an integral part of all new chemical decisions.

1. Program Objective: Subject all new chemicals to a meaningful review, taking action on those that pose an unreasonable risk.

a. Key Program Activities:

- (1) EPA will conduct reviews on all new chemical notices within the respective statutory deadline, including any notices for biotechnology products that fall under TSCA's purview. The emphasis in these reviews is on early identification of data gaps and concerns so that resources can be directed toward the review of the most hazardous new chemicals. (HQ)
- (2) We will take action on new chemicals which present unreasonable risks. The provisions of Section 5(e) will be used to induce data development and, when

necessary, to control exposure. Section 5(f) will be used when it is necessary to control those chemicals that pose an unreasonable risk. (HQ)

- (3) Close coordination with other EPA programs will be a priority, particularly to prevent groundwater problems and to identify new chemicals that meet the Agency's acute hazards criteria.
- (4) A scientific study to determine the effectiveness of structure activity relationship (SAR) as a hazard indicator will be continued. The SAR technique is used in the majority of PMN reviews. The study will select a sample of past new chemical decisions using SAR; test those chemicals; and determine if the decision would be the same if actual data had been used instead of the SAR technique. (HQ)

2. Program Objective: Protect society against risks which may develop as new chemicals are commercialized.

a. Key Program Activities:

- (1) EPA will continue to issue chemical-specific significant new use rules, when warranted, to require notification of EPA if the chemical is to be used in a different manner than described in the PMN. (HQ)
- (2) We will pursue development of more efficient regulatory approaches, including category rules, to the follow-up of new chemicals. (HQ)

3. Program Objective: Insure integrity of data submitted to EPA.

a. Key Program Activities:

- (1) We will perform full-scale audits of completed test studies that have been submitted to the Agency and in-process audits that are being conducted. (HQ)

- (2) Ensuring compliance with Good Laboratory Practices (GLP) requirements is a high priority for the Agency. In coordination with FDA, Regions II, III, and V will perform (GLP) inspections at testing facilities. Headquarters (NEIC) will perform inspections in other regions. (HQ/RGNS)
- (3) We will implement the mandatory Agency-Wide Quality Assurance (QA) program which ensures that all environmental measurements are of known and documented quality and meet the requirements established by the responsible office or laboratory. Each program office, region, and EPA laboratory must maintain QA programs consisting of a QA program plan and appropriate updates, Data Quality Objectives (DQO's) for specific environmental data-generative activities, and QA Project Plans for all monitoring projects; and must provide for periodic audits to assess compliance with approved QA plans. (HQ/RGNS)

Office of External Affairs

OFFICE OF EXTERNAL AFFAIRS

I. INTRODUCTION

The Office of External Affairs (OEA) was established with the very clear mandate to provide the Agency with the expertise necessary to inform the American public, the Congress, the media and the regulated community on the issues we address and the decisions we make. Only by ensuring that the business of the Agency is openly, accurately and fairly conducted, can the trust and integrity of EPA be established in the minds of the public.

OEA communicates with external groups using a comprehensive and coordinated process. The key element of this process is an Agency document which outlines EPA's communications strategy - a Communications Strategy Plan. OEA, affected programs, regional components, and the Administrator's staff establish the framework for announcement of a given agency action through the Communications Strategy Plan.

Regions will continue to inform the public through active participation in the Communications Strategy Process and through their own outreach efforts.

Within the Office of External Affairs (OEA), the Office of Federal Activities (OFA) is responsible for establishing effective liaison and coordination between EPA and other Federal agencies on environmental issues and for working with those agencies to assure that they carry out their activities in an environmentally sound manner; for assuring that EPA's programs comply with the goals and requirements of the National Environmental Policy Act (NEPA) and related environmental legislation; for administering EPA's program under section 404 of the Clean Water Act; and coordinating the implementation of EPA's Indian Policy of November 8, 1984.

This guidance presents national goals and objectives for the Federal Activities Programs for FY 1987-88. The guidance also identifies the actions that EPA and, where appropriate, States must take to implement these goals and objectives. The guidance consists of three parts. The first part (I) provides an overview of Federal Activities Programs, summarizes the five major goals which shape the five major programs, and highlights major changes in emphasis or direction. The second part (II) describes program objectives for each goal/program and lists the specific actions that must be taken to carry out the national strategy. This part also identifies general priorities/directions for FY 1988 which will be used in the formulation of national program strategies and budget requests. The third part (Appendix) details the specific performance measures that will be used in tracking our success in addressing FY 87 objectives.

A. Overview

In addition to Agency responsibility for communications activities, OEA administers five national programs which contribute toward accomplishment of the fundamental EPA mission and its major goals:

1. Federal Facilities Compliance Program. Goal: Ensure the Federal Government shows leadership in environmental control practices through Federal facility compliance with air, water, toxic, and hazardous waste requirements.
2. Environmental Review Program. Goal: Prevent future environmental problems from major Federal projects and activities by providing effective EPA input through participation and review in accordance with the provisions of section 309 of the Clean Air Act and of the National Environmental Policy Act (NEPA).
3. Dredge and Fill Program. Goal: Reduce the loss or degradation of wetlands through vigorous implementation of EPA authorities under section 404 of the Clean Water Act.
4. NEPA Compliance Program. Goal: Protect and enhance environmental quality through ensuring EPA compliance with the goals and/or requirements of the National Environmental Policy Act (NEPA) and related laws and directives.
5. Indian Program. Goal: Ensure environmental protection on American Indian reservations through implementation of EPA's authorities and programs.

Each of the OEA programs managed by OFA, supports more than one of the points in the Administrator's Management Plan. Because of their multimedia and crosscutting nature, these programs are implemented in close coordination with the media programs at both Headquarters and Regional levels, and help address many of the subjects on the FY 1987 Agency Priority List.

Collectively, these programs cut across all environmental media and consider a broad range of impacts on environmental values and natural resources, as well as public health. In this regard, OFA's program goals and objectives serve both as independent goals for focusing Federal Activities resources and as key elements in supporting the goals of the major media programs. For example, the Federal Facilities Compliance and Indian Programs both address such Agency priorities as compliance with air quality standards, groundwater protection, and hazardous waste site clean-up, where these are significant issues with respect to Federal Facilities or Indian lands. For these two programs, most of the resources and implementation responsibilities are in the media programs, with Federal Activities personnel playing a key coordinating and catalytic role.

Federal Activities functions also serve as EPA's primary focal point for working with other Federal agencies to ensure that they carry out their project-related activities in an environmentally sound manner. The Environmental Review Program provides EPA with a unique opportunity to anticipate and prevent future environmental problems associated with Federal actions, by affording the opportunity to influence decisions, often where it is too early in the planning cycle for direct application of EPA regulatory authorities. EPA's NEPA Compliance Program plays a similar role internally by encouraging consideration of the full range of environmental impacts in EPA's project and regulatory planning. By focusing on the full range of potential environmental impacts in evaluating Agency actions, such as the award of sewage treatment construction grants and issuance of new source NPDES permits, EPA can assure that environmental effects can be identified and minimized.

The Federal Activities programs serve a key role in reducing damage to sensitive environmental areas. This is achieved not only through direct program responsibilities for wetlands protection under section 404 of the Clean Water Act, but also in helping to protect other sensitive areas like near coastal waters through other programmatic responsibilities, particularly the Environmental Review and NEPA Compliance programs.

B. Changes in Program Direction

With the exception of NEPA Compliance, which has been modified to reflect the current status of Clean Water Act reauthorization and the Construction Grants Program, the FY 1987 Guidance represents no major change in direction from the current Guidance. Rather, the new Guidance reflects incremental changes in emphasis or approach which track the continuing evolution of these programs.

With regard to the measures and commitments, changes have been made to clarify and simplify the process, reflecting two years experience with reporting measures and one cycle of commitment negotiation.

C. Supplemental Guidance

OFA plans to issue no comprehensive supplemental guidance in FY 87. Program-specific supplemental guidance, where planned, is listed in the appendix. All significant supplemental program guidance is issued as part of the OFA Policy and Procedures Manual.

II. GUIDANCE

1. MAJOR PROGRAM GOAL: ENSURE THE FEDERAL GOVERNMENT DEMONSTRATES LEADERSHIP IN ENVIRONMENTAL CONTROL PRACTICES THROUGH FEDERAL FACILITY COMPLIANCE WITH AIR, WATER, TOXIC AND HAZARDOUS WASTE REQUIREMENTS.

FY 1987 Guidance

- a. The Federal Facilities Compliance Program is designed to bring Federal facilities into compliance with environmental laws and regulations in the most cost-effective and timely manner possible. During FY 1986 the framework for a strengthened program to return Federal facilities to compliance and prevent future non-compliance was further developed and implemented. This was done, in part, in response to the Administrator's call to make Federal facilities "a model for compliance". Key actions include: efforts to obtain accurate data on the compliance status of Federal facilities to aid in targeting corrective programs; improved Federal and State procedures for resolution of compliance problems; strengthened State participation in review of agency pollution control plans under OMB Circular A-106; strengthened communication and technical assistance to Federal agencies; and assistance in development of Federal agency environmental auditing programs.

Of particular significance is development of two important guidance documents relating to Federal facilities compliance. The first is revision of the Federal Facilities Compliance Strategy ("the Yellow Book") in conjunction with OECM, the media programs and EPA Regions. The second is the Joint OFA/OSWER Strategy for Federal CERCLA Problems which will clarify interactions between EPA and other Federal agencies and accelerate attention to this issue.^{2/} Many of these efforts will continue in FY 1987. In addition, reauthorization of RCRA has established numerous new requirements which call for an expanded Federal Facilities Compliance effort. OFA will continue to work with OECM and the Media Enforcement Offices to improve the existing Compliance Agreement Process.

During FY 1986, OFA is working with the OECM Steering Committee on the State-Federal Enforcement Relationship to clarify guidance on the State role in assuring Federal compliance; this will be reflected in the revised Federal Facilities Compliance Strategy.

In managing the Federal Facilities Compliance Program, OFA and the Regional Federal Facilities Coordinators will work closely with the media program offices. A major OFA program objective is to assure that the program priorities and objectives established by the various media programs are met by Federal facilities.

^{2/} Note: Although this document has been completed, its implementation/modification must await clarification of changes in Federal facilities requirements in the pending Superfund reauthorization.

During FY 86 and FY 87, OFA will be working with certain Headquarters compliance program offices on selected special initiatives to help improve the overall quality of the Federal facilities compliance program and increase compliance rates among Federal facilities. Resource limitations may preclude some Regions from fully addressing all the key program activities in this guidance. Where that is the case and it becomes necessary to establish priorities for regional effort, Regions should be guided by two principles. First, it is critical to the integrity of the FFC Program that all of the key program activities, be addressed even if less than fully. Second, Regions should determine relative priorities for emphasis within these key program activities based upon: (1) the FY 1987 Agency Priority List; and (2) the relative contributions of the regional media program units to the objectives of the Federal Facilities Compliance Program.

b. Key Program Activities

(1) Increase technical assistance to Federal facilities. Executive Order 12088 requires EPA to provide "technical assistance and advice" to other Federal agencies "in order to ensure their cost-effective and timely compliance" with environmental laws. Because of inherent delays in the Federal program and budgeting system, installation managers must quickly plan for new environmental controls, or they will be unable to budget, design and contract facilities rapidly enough to get into compliance. Because of CERCLA policies and the many new requirements established by the RCRA reauthorization, requests for assistance will increase greatly. Special seminars and workshops should be planned for Federal Facility Environmental personnel in FY 87 to transmit such information. At least one multimedia workshop should be held for Federal facility environmental personnel in each Region. In addition, Federal Facility Coordinators should hold periodic (monthly/bi-monthly) meetings with Federal Agency Regional Environmental personnel to disseminate information on new developments and regulatory requirements. In FY 87 EPA personnel must become more familiar with the significant Federal facilities in their Region in order to provide advice and guidance. Federal Facility Coordinators accompanied by appropriate media program personnel should make periodic coordination visits to significant Federal facilities to provide program assistance. OFA will develop a consolidated multimedia training manual for dissemination to Federal facilities in each Region.

(2) Increase the quantity and quality of inspections at Federal facilities. Federal Facility Coordinators

are responsible for coordinating a comprehensive Regional Federal Facility Inspection Program. Compliance inspections at Federal facilities are the responsibility of the media program offices and are conducted by regional media and State personnel. Federal Facility Coordinators must meet with the media program offices at the beginning of each fiscal year to review Region and State inspection plans to ensure Federal facilities are being inspected according to required program frequencies. Effective compliance monitoring systems are an essential first element in improving Federal facilities compliance. Compliance status will be verified regularly by on-site inspections and/or reviews of self-monitoring reports. Results of inspections conducted by EPA or State agencies must be provided to the Regional Federal Facility Coordinator in a timely manner through negotiation with each State in the enforcement agreements.

In FY 87, emphasis will be placed on obtaining valid compliance data nationally at a statistically significant number of facilities belonging to each Federal agency. With better information on patterns of compliance, future inspection programs at Federal facilities can be better focused and more productive. More specific guidance on this subject will be furnished at a later date.

Federal Facility Coordinators should work with program offices to ensure that all major Federal facilities are receiving the required EPA or State annual inspection. Inspections will be performed at major sources of pollutants at least once a year. Significant minor sources* should be monitored through inspections, at least once every two years. (The 1984 RCRA Amendments require Annual inspections for all Federal Treatment, Storage Disposal (TSD) facilities). Other sources will be monitored through the review of self-monitoring reports and through inspections when a violation is suspected. In FY 87, Regional Federal Facility Coordinators in cooperation with each program office, will review media program lists of majors and minors to ensure that all Federal facilities are properly classified. (PCB compliance monitoring inspections will be conducted as necessary to monitor compliance schedules described in Federal facility compliance agreements and to otherwise address PCB compliance within the Federal sector). Sufficient inspections of minor facilities will be conducted to provide the compliance picture at individual Federal agencies described above. Whenever possible, inspections will be multimedia

* Significant minor Federal facilities do not meet criteria as major, but are designated by their Regional Federal facilities coordinator (working cooperatively with media program representatives) because the facility has unique characteristics and/or it produces particularly hazardous pollutants, and/or it has chronic compliance problems. Limited to no more than 10% of minor facilities.

in nature since these can be both more effective and more efficient uses of EPA resources. In FY 87 Federal Facility Coordinators will develop a named list of up to 10 Federal facilities per Region (based upon size, complexity or unique environmental problems) as candidates to receive multi-media inspections. In delegated States, Federal Facility Coordinators will work with program offices to ensure they receive the same percentage of oversight inspections for Federal facilities as is done for other sources. To the extent possible Federal Facility Coordinators are encouraged to accompany program office inspectors on oversight inspections.

(3) Improve State/Federal relationships as they impact on Federal facility compliance. Executive Order 12088 requires, with the exception of National Interest waivers, that Federal facilities comply with all Federal, State and local pollution control laws. EPA is responsible for acting as liaison between Federal agencies and State and local governments to ensure that Federal facilities act in good faith to resolve compliance issues promptly. In FY 87, EPA will take a number of specific actions to improve the role of the States in the Federal facility compliance process.

States should be encouraged to designate counterparts to the Federal Facilities Coordinator as part of a joint effort to improve compliance. In FY 1987 an effort should be made in State/EPA Enforcement agreements to request States to identify these counterparts where mutually agreeable between the Regions and the States. In addition, EPA must initiate actions through the State/EPA agreement to ensure that States: (1) inspect Federal facilities in accordance with this guidance, and (2) report the results of their inspection and enforcement actions to EPA in an accurate and timely manner as agreed to in the enforcement agreements between Regions and each of their respective States. In addition, at least one meeting will be held annually with the States in each Region to identify and discuss compliance problems at Federal facilities and action to be taken to address them.

Even in States which have been fully delegated for media programs, EPA has a responsibility for tracking compliance actions and compliance status of Federal facilities.

(4) Increase emphasis on returning Federal facilities to compliance in a timely manner. EPA responses to

Federal facility violations will follow the "timely and appropriate" guidance established by the individual media programs. Media-specific guidance will govern the type of initial response as well as the timeframes for the response. Notices of Violation (NOVs) or their program equivalent generally will be issued as EPA's initial written response for significant violations. In all cases, EPA (normally the Federal Facility Coordinator) should make every attempt to informally notify the Federal facility (i.e., telephone call) as soon as possible after the inspection is completed and a violation has been identified and before the written notification is issued. This will provide the Federal facility with some additional time to remedy the identified violation prior to receiving formal notification from EPA.

When the violation will take longer to correct than the specified target date, EPA generally will use the Federal Facility Compliance Agreement as the primary enforcement tool to formalize mutual agreements on what the Federal facility will do to attain compliance for specific violations. Regional Federal Facilities Coordinators are responsible for coordinating the negotiation of these agreements with Federal agencies, in cooperation with media program representatives.

In FY 87, emphasis will be placed on rapid negotiation of compliance agreements in line with each of the media programs "timely and appropriate" guidelines. When agreements cannot be negotiated within these timeframes, formal administrative action may be taken. If additional delays occur, Regional Federal Facilities Coordinators will bring this to the attention of the next higher management level of the Agency concerned, as well as to OFA, using the escalation process established by Executive Order 12088.

(5) Improve Qualitative Level of Fiscal Plan Review under OMB Circular A-106. EPA must evaluate the updates of Agency pollution control plans for technical, cost, and timing adequacy and submit an annual report to OMB by September. Regions should utilize this review as an

integral part of their compliance effort. Regional Federal Facilities Coordinators are responsible for coordinating the review, in cooperation with the media programs. In FY 87 EPA Regions will initiate actions to improve the role of States in the A-106 Review process. This should include communications or meetings as appropriate with States to compare A-106 submissions to any State determinations of non-compliance or enforcement actions against Federal facilities.

Review of projects in the A-106 plan is an on-going process throughout the year and should include visits to priority projects to provide technical assistance and to review progress. When appropriate, EPA representatives should participate in a pre-design meeting for input in the beginning of project development.

In FY 87 Federal agencies will be encouraged to use the A-106 process to report non-point source (NPS) pollution abatement projects and other selected program priority areas.

(6) Stimulate Federal Agency progress in identifying, assessing, and cleaning-up abandoned hazardous waste sites (CERCLA). Federal Agency implementation of EPA's CERCLA strategy will greatly increase EPA involvement with Federal agency CERCLA sites.

During FY 87 EPA will continue to assure that potentially hazardous waste sites are identified and properly evaluated and, when appropriate, placed upon the National Priorities List. Utilizing the E.O. 12088 and the A-106 process, EPA will review and approve Federal agency plans for site cleanup, including an assessment of the appropriateness of their remedial actions. In addition, EPA will continue to support DoD in its Installation Restoration Program. The new Federal Facilities Program Manual for Implementing CERCLA Responsibilities of Federal Agencies provides detailed guidance in this area.

(7) Increase assistance to Federal Facilities to prevent them from falling into non-compliance with RCRA. RCRA reauthorization has added a large number of additional responsibilities to those of EPA and other

agencies. These include regulating underground storage tanks, establishing minimum technical standards, greatly expanding the list of generators who must comply, mandating annual inspections at Federal facilities, and biennial updating of an inventory of hazardous wastes by each Federal agency.

(8) Emphasize development and implementation of environmental auditing programs by Federal agencies. During FY 1987, EPA developed a policy to encourage environmental auditing programs by the regulated community including Federal agencies. During FY 87, OFA will implement a strategy to develop environmental auditing programs at as many Federal agencies and installations as possible. The program for self-auditing of PCB's at DoD installations will continue to be tracked, and expanded as appropriate, to other non-DoD agencies. Headquarters will continue to provide substantive support for regional environmental auditing workshops.

FY 1988 Guidance

In FY 88 the Federal Facilities Compliance Program will continue to emphasize prevention through specific technical and program advice and assistance. While emphasis on proper design and construction of control facilities will continue, greater emphasis must be placed on correcting operation and maintenance problems at facilities.

In FY 88, Federal agencies will have largely completed the identification phase of their CERCLA programs. EPA emphasis will shift to reviewing Federal agency progress in assessing those sites previously identified and closely reviewing their proposed remedial actions. The number of sites on the NPL should be reaching its peak with a maximum effort in support of Federal agency cleanup programs.

Federal agency RCRA programs will also be in midstream. Hazardous waste conforming storage sites will be under construction. Many facilities will be permitted, but many will remain in interim status. Closure of sources of pollution including surface impoundments will require close EPA attention. Detailed guidance will be needed to assist Regional permit writers in permitting DoD open burning/open detonation sites. The impact of the Leaking Underground Storage Tank (LUST) program and the number of Federal generators being brought under RCRA will be at its maximum.

2. MAJOR PROGRAM GOAL: PREVENT FUTURE ENVIRONMENTAL PROBLEMS FROM MAJOR FEDERAL PROJECTS AND ACTIVITIES BY PROVIDING EFFECTIVE EPA INPUT THROUGH PARTICIPATION AND REVIEW IN ACCORDANCE WITH THE PROVISIONS OF SECTION 309 OF THE CLEAN AIR ACT AND OF THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA).

FY 1987 Guidance

- a. This is the fourth year of a four-year concerted effort to streamline and improve the effectiveness of EPA's Environmental Review Program (ERP). At the completion of this fourth year a system of policy directives, technical and procedural guidance documents, and reporting and administrative oversight procedures will be in place. In addition, by the end of FY 87, all Regions will have made significant progress in re-establishing effective ongoing participation in the NEPA processes of other Federal agencies. In FY 88 and beyond, the program emphasis will shift from development and implementation of management systems to more intensive inter-agency activity to increase the effectiveness of that participation and the resolution of potential environmental problems.

In FY 85-86 emphasis was placed on implementation and refinement of the newly revised ERP procedures. FY 85 activity emphasized administrative changes to ensure: concentration of review resources on those issues with potentially significant impacts; increased early participation in project planning; and intensified follow-up with agencies to resolve potentially significant impacts.

In FY 86 emphasis was placed on development of technical guidance to increase the effectiveness of the review process and on Headquarters and Regional liaison with other Federal agencies to maximize the agencies' conformance with EPA's environmental protection strategies and to improve the overall environmental protection aspects of their planning processes. The FY 87 Guidance given below emphasizes the more direct and long-term environmentally protective actions related to increased interagency involvement and de-emphasizes the program-building activity of guidance development. In FY 87 the emphases will be placed on interagency coordination through general liaison to improve relationships and understanding, early involvement on specific projects to reduce environmental problems and conflict at later stages, and follow-up on those projects where problems persist to ensure

an environmentally satisfactory resolution. For the first time, commitments will be placed on early involvement and follow-up activities.

b. Key Program Activities

(1) ERP staff at Headquarters and Regional levels will continue to conduct specific liaison activities with Federal agencies to ensure that they are aware of EPA regulatory or programmatic policies and initiatives dealing with national level environmental problems. Federal agencies, especially at the field level, will be encouraged to become constructively involved in promoting regulatory compliance with and participation in EPA initiatives for the resolution of these environmental problems. Special emphasis will be placed on Headquarters and Regional coordination of such EPA initiatives as wetland protection, air pollution reduction in non-attainment areas, non-point source pollution, and groundwater protection. This activity, in conjunction with the project specific liaison described below, is intended to ensure that the environmentally protective intent of EPA's programmatic goals is not compromised through the actions and projects of other Federal agencies.

(2) ERP reviewers at both the Headquarters and Regional levels will focus their pre-Environmental Impact Statement/Environmental Assessment (EIS/EA) activities on early involvement with those classes of Federal projects that have the potential for the greatest environmental impacts. For these high priority projects, EPA will seek to provide input to agencies' project development processes to ensure consideration of the full range of alternatives and appropriate use of assessment methodologies. Early participation or consultation in Federal agency planning processes should surface, and lead to correction of, potential problems at the earlier stages of project planning.

(3) In setting Region specific review priorities and goals for FY 87, reviewers should give special consideration to projects with potential problems that fall within the Administrator's five priority areas. For example, reviewers should:

- a. Emphasize reviews of Federal land management agencies' vegetation and pest management programs and other agencies' use of registered pesticides in sensitive environmental areas to reduce risks from exposure to existing pesticides and toxic chemicals.
- b. Carefully review all NEPA analyses related to siting, relocating, and clean-up of hazardous waste sites to insure full consideration of long-term, cross-media impacts.

- c. Carefully review Federal transportation and energy projects (including outer continental shelf oil and gas activities) to ensure minimum conflict with air standards attainment or maintenance programs.
- d. Work with the Federal agencies to maintain and improve water quality with particular efforts to minimize or eliminate non-point source pollution from proposed activities.
- e. Emphasize reviews of Federal construction projects impacting wetlands and other sensitive areas to ensure that, first, these impacts are avoided and second, that unavoidable impacts are mitigated in accordance with Federal policy.

(4) ERP reviewers at the headquarters and regional levels will conduct follow-up liaison on all project reviews where EPA has identified significant environmental problems. The purpose of follow-up is to explain EPA's concerns and to obtain positive agency responses to EPA's specific recommendations. Where necessary to resolve environmental problems, the reviewers will elevate controversial projects to higher EPA management levels.

FY 1988 Guidance

In FY 88, Headquarters and Regional staff will continue emphasizing general interagency liaison, early involvement on specific major projects and follow-up on issues of continuing concern. OFA, in cooperation with Regional reviewers, will assess the overall review effectiveness, in terms of environmental results, and institute modifications to the review process to increase its effectiveness.

- 3. MAJOR PROGRAM GOAL: REDUCE THE LOSS OR DEGRADATION OF WETLANDS THROUGH VIGOROUS IMPLEMENTATION OF EPA AUTHORITIES UNDER SECTION 404 OF THE CLEAN WATER ACT.

FY 1987 Guidance

- a. Reflecting the high Agency priority placed on protecting wetlands, major efforts have been underway to focus and strengthen the program. In view of the number of significant 404 initiatives currently in progress, guidance to supplement the Operating Year Guidance is to be issued in 1986 in a document entitled "Strategy for Wetlands Protection under Section 404."

Key program objectives are to: (1) establish consistent and effective national policies as a basis for application

of section 404 authorities; (2) assure wetlands protection through participation in permit review and enforcement, while moving towards a more focused anticipatory program; (3) assist the States in strengthening their wetlands protection programs, and help increase public understanding of and involvement in wetlands issues; (4) improve wetlands protection through cooperation with other Federal and EPA programs; and (5) strengthen the scientific and technical basis for wetlands decisions.

During FY 1985-86, OFA has been working to improve the interagency framework to help meet these objectives. Major steps towards clarifying relationships with the Army Corps of Engineers were achieved through the signing of Memoranda of Agreement with the Corps on resolving disagreements on proposed discharges under Section 404(q) and on the regulation of solid waste discharges into waters of the U.S. Resolution should also be achieved on other major issues of importance, such as the Corps' proposed revisions to their National Environmental Policy Act regulations and on procedural and technical issues relating to jurisdictional determinations of wetlands.

Three major internal initiatives have been undertaken in FY 1985-86. The first is to develop the capability to become pro-active in the exercise of EPA authorities to protect the most valuable and threatened wetlands. While permit review, our most resource intensive responsibility, is always exercised in reaction to a proposed discharge, EPA's other authorities are under study to determine how they can be used in advance of permit actions to address wetland loss problems in specific geographic areas. These authorities are advanced identification of site 404(c) restrictions or prohibitions, wetland boundary determinations, compliance/enforcement initiatives, and public information efforts. In FY 85 Regional offices developed wetland priority lists as the first step toward a pro-active approach. In FY 86 the lists will be refined and implementation strategies will be prepared to identify the mix of EPA authorities that will improve levels of protection for the most pressing wetland loss problems in each Region.

The second initiative underway in FY 1985-86 has been to strengthen our policy framework to make EPA's program more effective, consistent and streamlined. This has included development of draft guidance on mitigation, advanced identification, use of section 404(c) authority, wetland jurisdictional determinations, and bottomland hardwood wetlands. EPA regulations for 404 State programs and for section 404(c) are also being revised.

Improving EPA's capability to enforce against unpermitted dischargers is the third major internal initiative. This has involved a comprehensive effort to improve the efficiency of EPA actions through procedural guidance and training, and to improve our effectiveness in obtaining the most environmental gain with the actions we pursue.

In FY 87 we will incorporate into the program the results of the Agency's Strategic Planning Initiative on Wetlands, refine elements of the regulatory and policy framework, and increase our attention to priority wetlands.

b. Key Program Activities

(1) Headquarters will continue to build consistent and effective EPA policy for exercising our 404 Program authorities. Final 404(c) regulations will be promulgated. Policy guidance will be developed on interpretation of the 404(b)(1) Guidelines and on permit exemptions.

(2) Headquarters will work with the Department of Army to effectively implement the revised 404(q) agreement and the 1986 Solid Waste agreement, and to address remaining issues such as joint mitigation policy, the Corps permitting regulations, and the agreement on enforcement.

(3) Regions will continue permit review activities and will work with Corps' Districts and Divisions to effectively implement the revised Section 404(q) MOA.

(4) Regions will maintain and update their wetland priority lists, and will develop implementation strategies to increase the level of protection for selected priority areas. Regions will also consider these areas as candidates for inclusion in their Environmental Management Report action plans for addressing geographic problem areas. The implementation strategies will be based on the use of EPA authorities in a pro-active manner, including, as appropriate, advanced identification of areas as suitable or unsuitable for discharge under the 404(b)(1) Guidelines; restriction or prohibition of areas for discharge under Section 404(c); jurisdictional authority; and enforcement. The mix of authorities to be exercised in each selected priority wetland area will be designed to yield the greatest environmental results. Following policy review in FY 86, the program to reduce losses of bottomland hardwood wetlands will be implemented.

(5) Headquarters will support technical studies by the Regions on priority wetlands and major permit cases.

(6) As EPA begins to develop and issue strategies for priority wetlands, Regions will increase efforts to relate these to other EPA programs such as groundwater protection, non-point source control, municipal wastewater facilities and RCRA and Superfund activities in the geographic areas of concern. Headquarters will conduct five additional Regional program evaluations, at which inter-program coordination will be assessed.

(7) Regions will focus their enforcement efforts on unauthorized discharges in priority wetlands (including bottomland hardwood wetlands) and will ensure that significant violators are returned to compliance expeditiously or have a formal enforcement action taken against them. Regions will work with the Corps to enforce against violations of permitted discharges only after making a determination that such efforts will yield more environmental results than additional enforcement against unauthorized discharges. Regions will apply the definition of "significant violator" to the backlog of cases from FY 86 and to the universe of violators in FY 87.

(8) Headquarters will provide training to the Regions on the use of model Administrative Orders and the 404 Enforcement Manual.

(9) Consistent with available resources, headquarters will implement a more active program to inform the public of the values of wetlands and EPA's role in protecting them, with approaches specifically tailored toward developers, farmers, local governments, environmental groups, citizens, educational institutions, and fishing and hunting interests.

(10) Regions will develop public information/outreach programs, with special emphasis on priority wetlands.

(11) Regions will continue working with the States to improve their effectiveness in protecting wetlands, and will accelerate assisting the States to the extent that resources permit. Headquarters will develop guidance on EPA's enforcement role in States with approved 404 programs. We will strengthen communications and technical assistance to State wetlands programs through a more active EPA role as a clearinghouse for information on State initiatives.

(12) Headquarters will continue to participate in inter-agency efforts to update and refine wetland plant and soil lists and to revise the Adamus Methodology for evaluating wetlands. Regional testing and use of the the Adamus methodology are also expected to increase.

(13) Headquarters will monitor uses of the EPA/Corps methodology for establishing wetland boundaries,

expected to be issued in FY 86, and will identify needed refinements or improvements.

(14) Regions will install the Section 404 Management Information System developed in FY 86 and will make it fully operational. Regions will also develop mechanisms to obtain data from the Corps to track permitting and enforcement actions referred by EPA.

(15) OFA will continue the wetlands technical training program for EPA 404 personnel, maintaining our cooperative agreement with the Corps' Waterways Experiment Station to conduct courses tailored to EPA's technical development needs.

(16) The Office of Research and Development (ORD) will strengthen the research program in accordance with the seven year Wetlands Research Plan, addressing the following questions in FY 87: (a) What effects do wetlands have on water quality? (b) Can we predict or determine the cumulative impacts of wetlands loss and relate individual permit decisions to that loss, and (c) Are techniques to create and restore wetlands working, and how can we best ensure success in the environment?

FY 1988 Guidance

In FY 88 Headquarters will revise the "Strategy For Wetlands Protection Under 404" based on practical experience gathered during the preceding two years, ORD research efforts, and the findings of the Agency's Strategic Planning Initiative on Wetlands. The 404 program will continue to reflect a heavier emphasis on the anticipatory approach to wetlands protection. Depending upon the results of analyses performed in FY 86-87, program policies may be revised to tailor EPA's 404 regulatory response to categories of wetlands based upon functions and values, environmental context of impact areas, and institutional recognition of ecological values.

4. MAJOR PROGRAM GOAL: PROTECT AND ENHANCE ENVIRONMENTAL QUALITY THROUGH ENSURING EPA COMPLIANCE WITH THE GOALS AND/OR REQUIREMENTS OF THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) AND RELATED LAWS AND DIRECTIVES.

FY 1987 Guidance

- a. The objectives of the NEPA Compliance Program are to:
(1) help improve EPA decision-making in order to avoid unanticipated environmental impacts, with an emphasis on identification of alternatives, of the full range of potential impacts, including impacts on natural resources and possible intermedia transfer of pollutants, and of mitigating measures to avoid or minimize adverse

impacts; and (2) ensure that EPA complies with the requirements and procedures of other relevant environmental laws and directives.

The interdisciplinary experience developed in the course of NEPA compliance (primarily for water media programs) is increasingly being made available to assist in other EPA program areas. In FY 87, the NEPA Compliance Program will continue to be directed to ensure that EPA's regulatory and other programmatic actions comply with the goals and/or requirements of NEPA and other related laws. The program will be used to promote improved decision-making for complex and controversial projects through comprehensive environmental impact analyses, impact mitigation and public involvement. Emphasis will be placed on those activities with the greatest potential for adverse public health or natural resource impacts and intermedia pollution transfers. It is expected that a major new area of activity will be required to support NEPA requirements for off-shore oil and gas permitting. In addition to those programs for which formal NEPA analysis is required, the NEPA compliance program will also continue to assist agency programs, especially those with potential intermedia or natural resource impacts, in carrying out review processes that are functionally equivalent to NEPA.

Assistance will also be provided in the compliance of EPA with the requirements and directives of other Federal statutes and Executive Orders affecting such environmental values as wetlands, floodplains, coastal zones, historic preservation, and endangered species. Finally, the regions will develop region-specific strategies to focus and describe their activities in this area.

b. Key Program Activities

These activities will be carried out within each region in accordance with region-specific NEPA Compliance strategies developed in FY 86.

(1) Continue to see that projects proposed for funding under the construction grants program have complied with the requirements of NEPA. Where segments of a project have not been previously reviewed under NEPA, where the review occurred five or more years ago, or where the proposed project or environmental conditions have changed, an environmental review will need to be performed. Where major elements of this review are performed by delegated states, technical assistance and support should be provided. Review the performance of delegated states. (The scope of this activity in FY 87 will be dependent upon the provisions of the

pending Clean Water Act reauthorization.) (Regions)

(2) Continue to provide new source determinations, FNSI/EAs, and EISs, as necessary, for all new source industry permits where States have not assumed National Pollutant Discharge Elimination System (NPDES) permitting authority. Provide new reviews required for off-shore (Outer Continental Shelf) oil and gas NPDES permitting. Assure that NEPA compliance documentation is complete, useful for decision-making, and timely. (Regions)

(3) As resources allow, evaluate the effectiveness of NEPA compliance activities on selected projects for which FNSI/EAs were issued, with an emphasis on accuracy of impact prediction, actual installation of proposed mitigation measures and effectiveness of implemented mitigation measures. (OFA, Regions)

(4) Ensure that special or generic studies required to support EPA's NEPA compliance program are performed and made available to decisionmakers in a timely manner. (OFA, Regions)

(5) Increase the Agency's effectiveness in meeting the goals of NEPA in the development of policies, regulations, and other initiatives. Participate in selected working groups on key issues with potentially wide public health, intermedia, or natural resource impacts. (OFA)

(6) Assist in site-specific evaluations, e.g., working with CERCLA staff in the development of feasibility studies for remedial actions and RCRA staff on permitting activities, emphasizing the analysis of alternatives, cross-media impacts, mitigation, and public involvement. (Regions)

(8) Improve communication with other Federal agencies responsible for implementation of environmental laws and Executive Orders with which EPA programs must comply, in order to evaluate problem areas and facilitate Agency compliance. (OFA)

(9) Reflecting the results of the FY 86 reviews and communication with other Federal Agencies, continue to provide oversight and assistance to Agency programs in complying with the requirements of other Federal environmental laws and relevant Executive Orders affecting wetlands, floodplains, agricultural lands, coastal zones, wild and scenic rivers, fish and wildlife, endangered species, historic and archeological sites, etc. (OFA, Regions)

FY 1988 Guidance

Emphasis will continue to be placed on working to improve EPA decisionmaking within on-going Agency procedures in order to avoid unanticipated adverse public health and natural resource impacts or inter-media transfers of pollutants. Interdisciplinary approaches to decisionmaking will be encouraged, and both guidance and training, as appropriate, will be developed to assist program and Regional Offices. Implementation of region-specific strategies is expected to strengthen the effectiveness of this program in identifying and focusing on priority needs and issues.

5. MAJOR PROGRAM GOAL: ENSURE ENVIRONMENTAL PROTECTION ON AMERICAN INDIAN RESERVATIONS THROUGH IMPLEMENTATION OF EPA'S AUTHORITIES AND PROGRAMS.

FY 1987 Guidance

- a. The objectives of EPA's Indian program are to: (1) directly apply EPA's authorities and programs on Indian reservations; (2) develop and enhance tribal institutional capabilities to assist in the implementation of EPA's authorities and programs on reservation lands; and (3) eliminate legislative and regulatory barriers to program implementation (ranging from partial participation of the tribe to full delegation of programs to tribal governments). This program reflects the fact that EPA retains program authority on Indian reservations even where that reservation is geographically located in a "delegated" State; our responsibilities are as they are in "non-delegated" States.

In FY 87, the results of the environmental survey of reservation lands and the pilot projects will be evaluated and made available for use by EPA program and Regional offices, other Federal agencies, Congress, and tribal governments. Technical assistance will continue to be provided by OFA contract to assist in problem identification and infrastructure development. Coordination with other Federal agencies will continue to increase, focusing on program implementation through cooperatively funded activities. Regions and programs are expected to continue demonstrating significant and credible steps toward implementation of the Policy within the constraints of available resources. Additional opportunities to extend program applicability and provide technical and administrative assistance to Indian lands will arise as the remaining statutes and regulations are amended. OFA will continue in its role of program coordinator, providing guidance, direction, and oversight, as appropriate.

h. Key Program Activities

These activities will be carried out within each Region in accordance with region-specific strategies developed in FY 86 consistent with the December 1985 Interim Strategy for Implementation of the EPA Indian Policy.

(1) Increase the level of direct programmatic involvement on Indian reservations to address the most critical air, water, and hazardous/radioactive waste problems consistent with the overall goals and objectives of the media programs. (Regions)

(2) Develop on a selective basis several Tribal/EPA agreements analogous to State/EPA agreements identifying priority environmental problems and measures to address them. (Regions)

(3) Continue to provide direct technical assistance to Tribal governments including assistance on problem identification and infrastructure development. (Regions)

(4) Continue to strengthen external liaison with Indian Tribal organizations and relevant Federal agencies. (OFA/Media Programs/Regions)

(5) Strengthen outreach and liaison with Tribal governments, providing information and opportunity to participate in EPA programs, as appropriate. (Regions)

(6) Continue, as necessary, to seek revision of EPA's statutes and to revise EPA's regulations to include consideration of Tribal governments. (OFA/Media Programs/OGC)

(7) Continue to factor Indian program needs into media program fiscal and program planning processes. (OFA/Media Programs)

(8) Work with the media programs to develop specific measures relating to implementation of the Indian program for their programs. (OFA, Media Programs, OMSE)

(9) Maintain and, as appropriate, update the data base developed during the FY 86 Survey of Environmental Conditions on Reservation Lands. (Regions)

FY 1988 Guidance

In FY 88, EPA will continue to develop its programs along the lines outlined in the Strategy for Implementation of the EPA Indian Policy, within the constraints of available resources. Direct program activity by the Agency on reservation lands will increase and, as the statutes are amended, regulatory programs may begin to be delegated to Tribal governments. Regions will maintain good communication with major Tribes, and will continue to provide technical assistance to Tribal governments as they assess their environmental problems and needs, and as they continue to build up the institutional capability to deal with environmental problems. It is to be expected that, as this process continues, additional Tribes will be identified as reaching an institutional level capable of dealing with environmental problems. Innovative and alternative institutional options will receive a high priority where they provide an effective means to address environmental problems in terms of cost and environmental results. The information base on environmental problems on reservation lands will be updated and expanded to additional reservations and will assist in focusing Agency priorities on the most significant issues. By FY 88 it is expected that the Agency will have wholly incorporated consideration of Tribal governments into all of its management and budgetary processes, and that the Regions and media programs will have developed strategies to incorporate Tribal needs and programs into on-going Agency activities, both for the current fiscal year and as additional statutes and regulations are enacted or revised.

FY 1987 Supplemental Guidance to be Issued
by OFA
(Publication dates unknown)

Federal Facilities Compliance Program

1. "Criteria for Identifying Potentially Environmentally Significant Federal Facility Minor Sources."
2. "Guidance on the Identification of Environmentally Significant Federal Facilities."
3. "Guidance on the Development of Federal Facility Compliance Management Plans."

Dredge and Fill Program

"Guidance on Advance Identification (Section 230.80)"

Appendix

OFFICE OF AIR AND RADIATION
STRATEGIC PLANNING AND MANAGEMENT SYSTEM
FY 1987 DRAFT* MEASURES

*FY 1987 SPMS MEASURES FOR OAR ARE CURRENTLY UNDER REVIEW AND DEVELOPMENT BY HEADQUARTERS AND THE REGIONS. FINAL MEASURES WILL BE ISSUED BY THE END OF APRIL 1986 IN ACCORDANCE WITH THE SCHEDULE ON PAGE OAR-19.

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OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Correct deficient SIPs and implement applicable SIP requirements. Determine the nature and extent of nonattainment of NAAQSs, with emphasis on ozone. Describe causes of nonattainment and track actions to correct the causes. Ensure that reasonable further progress is being made toward meeting NAAQSs in these areas.	<p><u>OAR</u></p> <p>Report the nonattainment areas and areas with other deficient SIPs on a pollutant-by-pollutant basis. Describe briefly the actions being taken to bring these areas into attainment and to correct the SIPs. Identify the date by when attainment or SIP correction is expected.</p> <p>Report on indicators of ozone air quality provided by the Regional Offices.</p> <p>Report on implementation of VOC stationary source controls, as provided by the Regional Offices.</p> <p>For each ozone nonattainment or SIP-call area with a design value > 0.15 ppm, report the number of VOC significant violators compared to the total number of Class A VOC sources (from the Compliance Data System).</p> <p><u>REGIONAL OFFICES</u></p> <p>Report annual 1986 VOC emissions pursuant to guidance developed by OAR for all ozone nonattainment or SIP-call areas.</p> <p>Report to OAR the nonattainment (primary and secondary) and SIP-call counties on a pollutant-by-pollutant basis.</p>		Q 1,2,3,4
			Q 3
			Q 2,4
			Q 3
			Q 2
			Q 1,2,3,4

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
	<p>Actions on deficient SIPs and other nonattainment area SIPs:</p> <p>a. For areas with deficient SIPs, report to OAR whether development of SIP revisions is on schedule and, if not, the actions being taken to bring States back on schedule. (T)</p> <p>For all counties listed above, describe the actions being taken to bring the areas into attainment and to correct deficient SIPs and the date by which attainment or SIP correction is expected.</p> <p>For each ozone nonattainment or SIP-call area with a design value > 0.15 ppm, report to OAR:</p> <p>a. <u>Exceedances--Population--Oriented</u> The number of expected exceedances** of the ozone NAAQS at the population-oriented NAMS site during the state-designated ozone season (identified in the National Air Data Bank) for 1986.</p> <p>b. <u>Exceedances--Highest Site</u> The number of expected exceedances** of the ozone NAAQS at the NAMS site with the highest ozone concentration during the state-designated ozone season (identified in the National Air Data Bank) for 1986 [may be identical to (a)].</p> <p>** The statistic defined by regulation for determining the number of exceedances that account for missing data.</p>		<p>Q 1,3</p> <p>Q 3</p>

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
<p>c. <u>Concentrations</u> The highest five daily maximum one-hour concentrations from the NAMS or SLAMS site with the highest second highest ozone concentration during the state-designated ozone season (identified in the National Air Data Bank) for 1986.</p> <p>Report to OAR for each state the VOC stationary source categories (a) covered by approved SIP regulations and (b) required under the following:</p> <ul style="list-style-type: none"> ◦ Group I Control Technique Guidelines (CTGs) (out of a total of 15 categories) ◦ Group II CTGs (out of a total of nine categories) ◦ Group III CTGs (out of a total of five categories) ◦ Other categories as identified in the FY 1986 ozone strategy. ◦ Other sources greater than 100 tons/year <p>For all areas where VOC regulations for the categories listed in A/R-6 are required, but not covered, describe why submission/approval has been delayed, the actions being taken to expedite submission/approval and the date(s) by which submission/approval is expected. (T)</p> <p>Establish and maintain state and local programs to ensure that vehicles meet emission standards throughout their useful life.</p>	<p>Report to OAR for each area where I/M is now required in the carbon monoxide and/or ozone SIP or will be needed to attain NAAQSs:</p> <ul style="list-style-type: none"> ◦ the areas where I/M has not been implemented ◦ the areas where I/M has been implemented <p>For all areas where the I/M program is due, but not submitted, approved or implemented, describe:</p>		<p>Q 2,4</p> <p>Q 2,4</p> <p>Q 2,4</p> <p>Q 2,4</p>

(T) This measure requires a Regional Target.

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OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
<p>Use the biennial National Air Audit System to identify obstacles to program effectiveness.</p>	<ul style="list-style-type: none"> ◦ why submission, approval or implementation has been delayed ◦ the actions being taken to expedite submission, approval or implementation ◦ the date by when submission, approval or implementation is expected <p style="text-align: center;"><u>OAR</u></p> <p>Prepare and distribute a status report on the corrective actions taken on the national problems identified in the FY 1985 audits.</p>		Q 4
	<p style="text-align: center;"><u>REGIONAL OFFICES</u></p> <p>Prepare and send to OAR a list of state-specific priority deficiencies identified by the Regional Office in the executive summary of the FY 1986 audit reports. Identify the deficiencies to be corrected by each state in FY 1987. (T)</p>		Q 1
	<p>Complete FY 1986/87 audits. Report to OAR on the status of the completed audits. (Note: each Regional Office must audit all state and selected local agencies during FY 1986-FY 1987, but may spread the audits over the two-year period at the Regional Office's discretion.)</p> <p>Report to OAR on the status of efforts to correct state-specific priority deficiencies to be corrected by states; these are identified under A/R-11.</p>		Q 4
			Q 4

(T) This measure requires a Regional target.

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Continue to process SIP revisions according to established schedules.	<p>Send completed final FY 1987 audit report to OAR within 180 days after the audit is conducted.</p> <p style="text-align: center;"><u>OAR</u></p> <p>For all required SIP actions* forwarded to Headquarters for review, which are (1) newly due each quarter, and (2) actions due in previous quarters, report the following separately on a quarterly basis:</p> <ol style="list-style-type: none"> The number of SIP revisions that have not been published during the quarter because of major policy issues or litigation (i.e., actions on hold). The total number of SIP revisions not falling in category "a" that have not been published during the quarter. The total number of SIP revisions published during the quarter. <p>* Includes only state-submitted corrections to deficient SIPs, state-submitted regulations and programs for attainment of standards, and Regional Office-prepared promulgations for implementing requirements of litigation settlements. Does not include other state-initiated actions (e.g., emission trades, attainment redesignations).</p>		Q 3,4 Q 1,2,3,4

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
	<p><u>OAR</u></p> <p>Provide a general description of the problems that are causing SIP processing delays at both the Headquarters and Regional Office levels.</p> <p><u>REGIONAL OFFICES</u></p> <p>Report monthly to OAR the status of SIP revisions currently in the SIP inventory. For all revisions in the inventory, report the following:</p> <p>a. The number of major (as defined in Guidance on Processing SIP Revisions) SIP revisions for which no proposed action has been sent to Headquarters five months from the date of receipt from the state.</p> <p>b. The total number of SIP revisions for which no proposed action has been sent to Headquarters five months from the date of receipt from the state.</p> <p>c. The number of major SIP revisions for which no final action has been sent to Headquarters five months from the date of EPA publication of proposal.</p> <p>d. The total number of SIP revisions for which no final action has been sent to Headquarters five months from the date of EPA publication of proposal.</p> <p>e. The number of major SIP revisions that were forwarded to Headquarters in five months or less from the date of receipt from the state or date of EPA's publication of proposal.</p>		<p>Q 1,2,3,4</p> <p>Q 1,2,3,4</p>

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
<p><u>Special Action SIPs</u></p> <p>Ensure that states meet schedules for submitting SIP revisions resulting from promulgation of new or revised requirements.</p>	<p>f. The total number of SIP revisions that were forwarded to Headquarters in five months or less from the date of receipt from the state or date of EPA's publication of proposal.</p>		
<p>Establish and/or support effective state and local programs to address hazardous air pollutants.</p>	<p>Measures and targets will be decided before the SPMS measures are final.</p> <p style="text-align: center;"><u>OAR</u></p>		Q 1,2,3,4
<p>Allocate FY 1987 section 105 grant funds to each Region for the enhancement of state/local air pollutants. Provide guidance on priorities and milestones.</p>	<p>Select high-risk pollutants and sources to be covered in FY 1987, notify Regions to initiate the process, and allocate FY 1987 section 105 grant funds to each Region for support of state and local activities.</p>		Q 1
	<p style="text-align: center;"><u>REGIONAL OFFICES</u></p>		Q 2
	<p>Allocate FY 1987 section 105 grant funds for enhancement of air toxics capabilities to each state and appropriate local agency.</p>		Q 1

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OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
	<p>Submit to OAR a summary of the individual state grant agreements that includes (1) a description of the progress on the multi-year program undertaken by each state to develop or enhance their air toxics program, and (2) a summary of work plans to assess emissions and risks in 8-10 areas. These summary reports should include estimated section 105 grant and state funds and relevant completion dates for critical activities, including one or more milestones to be completed in FY 1987.</p>		Q 2
<p>Transfer implementation and enforcement responsibilities for new source review to state and local agencies.</p>	<p>Report to OAR the number of states accepting delegation for new NESHAPs and NSPSs.</p>		Q 4
<p>Provide a complete, timely and accurate NAMS data base to enable timely determinations of air trends and attainment of NAAQSs.</p>	<p>Report to OAR the percentage of NAMS data from continuous analyzers reported to the Regional Office within 90 days of the end of the quarter. (Percentage expressed as a ratio of the continuous NAMS data scheduled to be reported.)</p>		Q 1,
	<p>Report to OAR the percentage of NAMS data from 24-hour integrated samplers reported to the Regional Office within 90 days of the end of the quarter. (Percentage expressed as a ratio of the 24-hour integrated NAMS data reported within 90 days of the end of the quarter to total 24-hour integrated NAMS data scheduled to be reported.)</p>		Q 1,2,3,4

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Establish PM ₁₀ monitoring networks	Report to OAR the percentage of timely precision and accuracy reports (by pollutant) meeting Agency data quality goals, according to guidance to be issued by November 1, 1985. (Percentage expressed as a ratio to the total number of reports required.)		Q 1,2,3,4
	Report to OAR by state the number of continuous analyzers for carbon monoxide, ozone, and major pieces of laboratory equipment actually replaced during the fiscal year (as identified in the most recent monitoring audits under the National Air Audit System. (T)		Q 4
	Report to OAR the status of the PM ₁₀ network operation by state, according to guidance to be issued by November 1, 1986. (The report will include the number of sites, type of sampling equipment, operation dates, sampling frequency and spatial scale. The report will also include the number of monitors purchased in FY 1987 and in operation, as well as the number of operating monitors reporting data to EPA.) (T)		Q 1,2,3,4

(T) This measure requires a Regional target.

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Complete a national source/emissions data base for calendar year 1985 that meets the requirements of the NAPAP and OAR.	<p><u>OAR</u></p> <p>Complete final National Emission Data System point source update and data base, and deliver to ORD.*</p> <p>Complete final National Emission Data System area source data base and deliver to ORD.*</p> <p><u>REGIONAL OFFICES</u></p> <p>Edit check, correct, and submit required data (National Emission Data System/confirmation status) to OAR for point sources with actual emissions of sulfur dioxide, nitrogen oxides, or VOCs greater than 100 tons per year.*</p> <p>Complete transmittal to OAR of state responses to quality assurance problems.*</p> <p>* Required completion data within the quarter for this measure will be provided in guidance by OAR no later than July 1, 1986.</p>		<p>Q3</p> <p>Q4</p> <p>Q1</p> <p>Q3</p>

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Implement the AIRS air quality system in EPA Headquarters' and Regional Offices.	<u>OAR</u> Complete conversion of SAROAD data to the AIRS air quality system. Establish Regional Office access to software of the AIRS air quality system.		Q 2 Q 3
Expand data bases needed to accelerate the identification and assessment of potentially toxic air pollutants.	<u>ORD/OAR*</u> Expand TAMS by establishment of additional sampling sites.*		Q 2, 4
Establish and/or support effective state and local programs to address toxic air pollutants.	Issue guideline or procedures for compiling air toxic emission inventories.		Q 3
Provide PM ₁₀ ambient data to be used in preparing a trends data base and for use in national oversight of the PM ₁₀ regulatory program.	<u>REGIONAL OFFICES</u> Report raw data from all operating PM ₁₀ samplers as a part of each state's quarterly data submissions to EPA's National Aerometric Data Bank (requirements to be defined in guidance to be issued by OAR October 1, 1986).		Q 1,2, 3,4
* Coordination needs to be completed with ORD.			

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Establish and maintain state and local programs to ensure that vehicles meet emission standards throughout their useful life.	<u>OAR</u> Issue final Agency policy on implementation of anti-tampering fuel-switching programs.		Q 1
	<u>REGIONAL OFFICES</u> Report quarterly to OAR the number of existing and new carbon monoxide and ozone nonattainment areas that cannot reach attainment by 1987 and whose design value will require the implementation of an anti-tampering/fuel-switching program to reach attainment.		Q 1,2,3,4
	For all existing and new ozone and carbon monoxide nonattainment areas that cannot reach attainment by 1987, report to OAR on a quarterly basis the status of the responsible Agency's decision on the type of mobile source emission control programs under consideration for implementation.		Q 1,2,3,4
	Report quarterly to OAR the number of new state and local anti-tampering and fuel-switching programs. (T)		Q 1,2,3,4

(T) This measure requires a Regional target.

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Use the National Air Audit System to identify critical and serious I/M program operation problems.	Provide OAR with a list of critical and serious program operating problems identified during the previous audit. Update the list of critical and serious program operating problems identified during the FY 1986/87 audit. Report the status of actions to remedy critical and serious program operating problems. (T) Complete audits for the following I/M programs: (List of states will be determined before final SPMS measures are issued.) <u>REGIONAL OFFICES</u> Complete follow-up audits for the following I/M programs: (List of states will be determined before final SPMS measures are issued.)		Q 1 Q 2, 3, 4 Q 1, 2, 3, 4 Q 3

(T) This measure requires a Regional target.

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
<p>Attain and maintain high levels of compliance with the requirements of the Clean Air Act.</p>	<p><u>REGIONAL OFFICES</u></p> <p>Regional offices will report the following compliance statistics to OAR on a quarterly basis:</p> <p><u>COMPLIANCE</u></p> <p>Compliance status of major sources (Class A SIP, Class A1 SIP, NSPSS, NESHAPs, federal facilities)</p> <p><u>INSPECTIONS (T)</u></p> <p>Percent of sources that should have been inspected in the most recent four quarters (Class A1 SIP, NSPSS, NESHAPs, federal facilities) that actually were inspected by EPA or a state. (Measure will have a one quarter data lag.)</p> <p><u>ADMINISTRATIVE ACTIONS</u></p> <p>Number of administrative actions taken by EPA (113(a), 113(d), 167, 120) and states (at a minimum, state actions must meet criteria set forth in guidance issued by the Steering Committee on Federal/State Enforcement Relationship. See appendix for definitions). (State actions will be reported with a one quarter data lag.)</p>		<p>Q 1, 2, 3, 4</p> <p>Q 1, 2, 3, 4</p> <p>Q 1, 2, 3, 4</p>

(T) This measure requires Regional targets.

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Return significant violators to compliance with requirements of the Clean Air Act.	<p><u>REFERRALS</u></p> <p>Number of state civil referrals from state agency to state Attorney General and number of cases filed by state Attorney General in state court. Also, report the number of criminal filings for states. The number of EPA civil/criminal referrals will be reported through the DOCKET. (State actions will be reported with a one quarter data lag).</p> <p>Regional Offices and the states will work towards returning significant violators to compliance.</p> <p><u>DYNAMIC BASE</u></p> <p>Report the following information to OAR on a quarterly basis (Federal facilities significant violators are a subset of the overall significant violator universe. They should be reported here under the total dynamic universe and separately):</p> <ul style="list-style-type: none">a. Number of significant violators not on an acceptable compliance schedule at the beginning of the quarter.b. Number of newly-identified significant violators during the quarter.c. Number of significant violators resolved during quarter:<ul style="list-style-type: none">o Number of violators achieving final emission limitations.		Q 1, 2, 3, 4
			Q 1, 2, 3, 4

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Implement continuous compliance programs.	<p>o Number of violators placed on an acceptable compliance schedule.</p> <p>d. Number of significant violators still out of compliance and not on an acceptable compliance schedule (a+b-c).</p> <p><u>FIXED BASE (T)</u></p> <p>Track the status of significant violators not in compliance at the beginning of the fiscal year (Federal facilities significant violators are a subset of the overall significant violator universe. They should be reported here under the total universe and separately):</p> <p>a. Number of significant violators achieving final emission limitations.</p> <p>b. Number of significant violators placed on an acceptable schedule.</p> <p>c. Number of significant violators subject to enforcement action (i.e., administrative order or case referral. See Appendix for definitions).</p> <p><u>REGIONAL OFFICES</u></p> <p>* To be determined at a later date.</p>		Q 1, 2, 3, 4

(T) These measures require Regional targets.

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Enforce regulations for controlling asbestos emissions from demolition and renovation activities.	Report the following EPA and state data (separately) to OAR quarterly: a. Total number of notifications b. Total number of inspections c. Total number of violations found d. Status of actions taken to resolve violations		Q 1, 2, 3, 4
Ensure that states meet * schedules for submitting SIP revisions resulting from promulgation of new PM ₁₀ requirements.	<u>OAR</u> Disseminate guidance and hold Regional workshops. <u>REGIONAL OFFICES</u> Report to OAR the status of scheduled commitments for PM ₁₀ SIP development and the results of any Regional Office follow-up on schedules that are not met by the States.		
* As the process proceeds an attempt will be made to have specific OAR Regional targets.			

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Maintain an effective radiation emergency preparedness and response program.	<u>REGIONAL OFFICE</u> Review state and local radiological emergency response plans. Participate in site tests of state and local radiological emergency response plans.		Q1,2,3,4 Q1,2,3,4

SCHEDULE FOR COMPLETING FY 1987 SPMS MEASURES

<u>ACTION</u>	<u>DATE</u>
° Present measures and indicators to Regional Division Directors; distribute draft measures	March 4, 1986
° Send Comments on draft measures to OPMO by COB	March 21, 1986
° Hold first work group meeting	March 27, 1986
° Send revised draft measures to reviewers	March 31, 1986
° Send comments to OPMO by COB	April 9, 1986
° Hold second group meeting	April 15, 1986
° Submit final SPMS measures to OMSE	April 21, 1986

OFFICE OF WATER
STRATEGIC PLANNING AND MANAGEMENT SYSTEM
FY 1987 MEASURES*

*FY 1987 SPMS MEASURES FOR OW ARE FINAL. HEADQUARTERS IS CONSIDERING REDUCING THE NUMBER OF OW MEASURES, HOWEVER, BY ELIMINATING ONE OR MORE OF THE MEASURES NOTED. A FINAL DECISION WILL BE MADE BY THE END OF APRIL. ALL OF THE MEASURES WILL BE INCLUDED IN THE OFFICE OF WATER ACCOUNTABILITY SYSTEM.

OFFICE OF WATER

Program Area: Water Enforcement and Permits

OBJECTIVE	MEASURE*	SPMS CODE	FREQUENCY
Reissue major industrial NPDES permits in a timely fashion.	Identify, by Region, the number of major industrial permits for which EPA is responsible that have or will expire by the end of FY 1987.	WQ-1	10/15/86
	Track, by Region, progress against quarterly targets for the number of major industrial permits reissued by EPA.	WQ-2	Q1,2,3,4
	Identify by Region, the number of major industrial permits in NPDES States that have expired or will expire by the end of FY 1987.	WQ-3	10/15/86
	Track, by Region, progress against quarterly targets for the number of major industrial permits reissued by NPDES States.	WQ-4	Q1,2,3,4
Reissue major municipal NPDES permits in a timely fashion.	Identify, by Region, the number of major municipal permits for which EPA is responsible that have or will expire by the end of FY 1987.	WQ-5	10/15/86
	Track, by Region, progress against quarterly targets for the number of major municipal permits reissued by EPA.	WQ-6	Q1,2,3,4
	Identify, by Region, the number of major municipal permits in NPDES States that have expired or will expire by the end of FY 1987.	WQ-7	10/15/86
	Track, by Region, progress against quarterly targets for the number of major municipal permits reissued by NPDES States	WQ-8	Q1,2,3,4
	* Definitions covering these measures can be found in the Office of Water Evaluation Guide.		

OFFICE OF WATER

Program Area: Water Enforcement and Permits

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Modify major industrial/municipal permits to complete BAT and water quality control requirements	Identify, by Region, the number of revisions of major industrial permits planned during FY 1987 (Report EPA and NPDES States separately).	WQ-9	10/15/86
	Track, by Region, progress against quarterly targets for the number of planned revisions of major industrial permits (Report EPA and NPDES States separately).	WQ-10	Q1,2,3,4
	Identify, by Region, the number of revisions of major municipal permits planned during FY 1987 (Report EPA and NPDES States separately).	WQ-11	10/15/86
	Track, by Region, progress against quarterly targets for the number of planned revisions of major municipal permits (Report EPA and NPDES States separately).	WQ-12	Q1,2,3,4
Issue NPDES permits to "environmentally significant" minor dischargers in a timely fashion.	Track, by Region, progress against targets for the number of permits issued to "environmentally significant" minor NPDES dischargers by EPA and the number issued by NPDES States.	WQ-13	Q1,2,3,4
Assure NPDES permits are fully in effect and enforceable.	Identify, by Region, the number of pending evidentiary hearing requests for which EPA is responsible and the number for which NPDES States are responsible as of the beginning of FY 1987.	WQ-14	10/15/86
	Track, by Region, progress against quarterly targets for the evidentiary hearing requests pending at the beginning of FY 1987 resolved by EPA and for the number resolved by NPDES States.	WQ-15	Q1,2,3,4
Effectively implement approved local pretreatment programs.	Track, by Region, against quarterly targets, the number of audits of approved local pretreatment programs conducted by EPA and the number conducted by approved pretreatment States.	WQ-16	Q1,2,3,4

OFFICE OF WATER

Program: Water Enforcement and Permits

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Implement the National Municipal Policy	Identify, by Region, the number of noncomplying major municipal facilities needing construction and the number of noncomplying minor municipal facilities needing construction (i.e., needing MCP enforceable schedules) as of 10/1/86.	WQ-17	10/15/86
	Track, by Region, against quarterly targets, the number of major and the number of minor municipal facilities needing construction placed on enforceable schedules (i.e., MCP enforceable schedules).	WQ-18	Q1,2,3,4
	Identify, by Region, the number of major municipal facilities on MCP enforceable schedules that are not in compliance with their schedule (report EPA and NPDES States separately).	WQ-19	Q1,2,3,4
	Report, by Region, the number of enforcement actions taken against major municipal facilities that are not complying with their schedules (report EPA and NPDES States separately).	WQ-20	Q1,2,3,4

OFFICE OF WATER

Program Area: Municipal Pollution Control

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Manage Transition to State/ Local Self-sufficiency	*Track, by Region, progress against quarterly targets for the number of Construction Grants NMP projects which initiate operation during FY 1987.	WQ-21	Q 1,2,3,4
Expedientiously Complete and Closeout Projects	Track, by Region, progress against quarterly targets for the number of assistance disputes (arising under 40 CFR Part 30, Sub-part L) filed before FY 1987 which are either settled or withdrawn or for which decisions are issued by the RA. (This measure includes all Part 30, Sub-part L disputes across Regional programs. It is included in the Water section because the majority of disputes involve construction grants.)	WQ-22	Q 1,2,3,4
Improve Program Management	Track, by Region, progress against quarterly targets for administratively completing Step 1, Step 2, and backlogged Step 3, 2+3, and PL 84-660 projects.	WQ-23	Q 1,2,3,4
Improve Facility Performance	Track, by Region, progress against quarterly targets for net outlays.	WQ-24	Q 1,2,3,4
	Track, by Region, progress against semi-annual targets for the number of minor POTW's returned to compliance or meeting schedules for corrective actions to return to compliance as a result of an Operations Management Evaluation (OME).	WQ-25	Q 2,4

* This measure is under review for SPMS. It will remain in the Office of Water Accountability System.

OFFICE OF WATER

Program Area: Marine and Estuarine Protection

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
<p>Expedite 301(h) decisions and permit issuance.</p> <p>Prepare environmental assessments or impact statements and rule making packages for ocean dumping site designation.</p>	<p>Track, by Region, progress against quarterly targets for the number of permits reflecting decisions.</p> <p>Track, by Region, progress against quarterly targets for:</p> <ul style="list-style-type: none"> - number of draft environmental assessments or impact statements, - number of final environmental assessments or impact statements, and - number of sites designated. 	<p>WQ-26</p> <p>WQ-27</p>	<p>Q 1,2,3,4</p> <p>Q 1,2,3,4</p>

OFFICE OF WATER

Program Area: Water Quality Standards, Planning and Assessment

OBJECTIVES	MEASURE	SPMS CODE	FREQUENCY
Ensure adequate procedures are established regarding implementation of State anti-degradation policies.	*Track, by Region, against quarterly targets, the number of States which have been assessed by the Region as implementing anti-degradation methods according to EPA policies.	WQ-28	Q 1,2,3,4
Incorporate toxic pollutant provisions of Water Quality Standards Regulations into State water quality standards.	*Track, by Region, against quarterly targets, the number of States which incorporate new or revised numeric and/or narrative criteria for toxic pollutants into State water quality standards which are approved by the Regional Office.	WQ-29	Q 1,2,3,4
Support and assist States and local agencies in developing comprehensive NPS management programs and in implementing NPS controls within specific priority waterbodies.	Track, by Region, against quarterly targets, the number of adequate NPS management programs, consistent with WQM Regulation and EPA's Nonpoint Source Strategy, developed by each State.	WQ-30	Q 1,2,3,4
Conduct water quality assessments to identify problems.	Identify the number of stream miles, lake acres, estuary square miles, coastal miles, and Great Lake shore miles in each Region, the number assessed, and the number supporting/partially supporting/not supporting designated uses as reported in the FY 1986 305(b) Report and 205(j) updates. Identify, by nonpoint source category, the number of stream miles, lake acres, estuary square miles, coastal miles and Great Lake shore miles not fully supporting designated uses due to nonpoint source pollution.	WQ-31	Q 3
Identify waters needing water quality based controls.	Identify, the number of waterbodies that are water quality limited for: (1) toxics and nontoxics, (2) toxics only, (3) nontoxics only, and the number of each of these still needing water quality based controls; the number of waterbodies where available data show they are not water quality limited for toxics; and the number of waterbodies for which available data or analyses does not allow a decision on the need for toxic controls.	WQ-32	Q 3

* This measure is still under review for SPMS. It will remain in the Office of Water Accountability System.

OFFICE OF WATER

Program Area: Office of Water Enforcement and Permits

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Achieve and maintain high levels of compliance in the NPDES program.	<u>COMPLIANCE:</u> Data are lagged one quarter.	WQ/E-1	Q1,2,3,4
	Track, by Region, the number and percent of major industrial facilities in NPDES and non-NPDES States in significant non-compliance with final effluent limits. (Report NPDES and non-NPDES States separately.)		
	Track, by Region, the number and percent of major industrial facilities in NPDES and non-NPDES States in significant non-compliance with construction schedules and/or with interim effluent limits. (Report NPDES and non-NPDES States separately.)	WQ/E-2	Q1,2,3,4
	Track, by Region, the number and percent of major municipal facilities in NPDES and non-NPDES States in significant non-compliance with final effluent limits. (Report NPDES and non-NPDES States separately.)		
	Track, by Region, the number and percent of major municipal facilities in NPDES and non-NPDES States in significant non-compliance with construction schedules and/or with interim effluent limits. (Report NPDES and non-NPDES States separately.)	WQ/E-3	Q1,2,3,4
	Track, by Region, the number and percent of major Federal facilities in NPDES and non-NPDES States in significant non-compliance with final effluent limits. (Report NPDES and non-NPDES States separately.)		
Track, by Region, the number and percent of major Federal facilities in NPDES and non-NPDES States in significant non-compliance with construction schedules and/or with interim effluent limits. (Reports NPDES and non-NPDES States separately.)		WQ/E-4	Q1,2,3,4
Track, by Region, the number and percent of major Federal facilities in NPDES and non-NPDES States in significant non-compliance with construction schedules and/or with interim effluent limits. (Reports NPDES and non-NPDES States separately.)		WQ/E-5	Q1,2,3,4
Track, by Region, the number and percent of major Federal facilities in NPDES and non-NPDES States in significant non-compliance with construction schedules and/or with interim effluent limits. (Reports NPDES and non-NPDES States separately.)		WQ/E-6	Q1,2,3,4

OFFICE OF WATER

Program Area: Water Quality Standards, Planning and Assessment

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Develop needed water quality-based controls.	Track, by Region, against quarterly targets, the number of waterbodies for which all known needed water quality based controls for toxics and nontoxics have been approved by EPA. Expectation is that 20% or more of the waterbodies known to need controls as of the beginning of FY 87 will be targeted for completion.	WQ-33	Q 1,2,3,4

OFFICE OF WATER

Program Area: Office of Water Enforcement and Permits

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Achieve and maintain high levels of compliance in the NPDES Program. (continued)	<u>EXCEPTIONS REPORTING:</u> Data are lagged one quarter.	WQ/E-7	Q1,2,3,4
	Identify, by Region, the name and number of major industrial facilities in significant non-compliance on two or more consecutive QNCRs without returning to compliance or being addressed by a formal enforcement action (persistent violators), and the number of consecutive quarters each facility has appeared on the QNCR.		
	Report, by Region, the number of major industrial facilities that are persistent violators which have returned to compliance during the quarter, the number not yet in compliance but addressed by a formal enforcement action during the quarter, and the number that were unresolved as of the end of the quarter. (After a facility has been reported as returned to compliance or addressed by a formal enforcement action, it should be dropped from subsequent lists.)	WQ/E-8	Q1,2,3,4
	Identify, by Region, the name and number of major municipal facilities in significant non-compliance on two or more consecutive QNCRs without returning to compliance or being addressed by a formal enforcement action (persistent violators), and the number of consecutive quarters each facility has appeared on the QNCR.		
WQ/E-9			Q1,2,3,4

OFFICE OF WATER

Program Area: Office of Water Enforcement and Permits

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Achieve and maintain high levels of compliance in the NPDES Program. (continued)	<p>Report, by Region, the number of major municipal facilities that are persistent violators which have returned to compliance during the quarter, the number not yet in compliance but addressed by a formal enforcement action during the quarter, and the number that were unresolved as of the end of the quarter. (After a facility has been reported as returned to compliance or addressed by a formal enforcement action, it should be dropped from subsequent lists.)</p> <p>Identify, by Region, the name and number of major Federal facilities in significant non-compliance on two or more consecutive QNCRs without returning to compliance or being addressed by a formal enforcement action (persistent violators), and the number of consecutive quarters each facility has appeared on the QNCR.</p>	WQ/E-10	Q1,2,3,4
Achieve and maintain high rates of compliance in the NPDES Program through enforcement action.	<p>Report, by Region, the number of major Federal facilities that are persistent violators which have returned to compliance during the quarter, the number not yet in compliance but addressed by a formal enforcement action during the quarter, and the number that were unresolved as of the end of the quarter. (After a facility has been reported as returned to compliance or addressed by a formal enforcement action, it should be dropped from subsequent lists.)</p> <p><u>ENFORCEMENT ACTIVITY:</u> Data are for current quarter.</p> <p>*Report, by Region, the total number of EPA Administrative Orders and the total number of State equivalent actions issued.</p>	WQ/E-12	Q1,2,3,4
		WQ/E-13	Q1,2,3,4

* This measure is still under review for SPMS. It will remain in the Office of Water Accountability System.

OW-10

OFFICE OF WATER

Program Area: Office of Water Enforcement and Permits

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Achieve and maintain high rates of compliance in the NPDES Program through enforcement action. (continued)	*Report, by Region, the total number of civil referrals sent to State Attorneys General and the number of criminal actions filed in State Courts. (OECM will report EPA referrals.)	WQ/E-14	Q1,2,3,4
Effectively enforce the pretreatment program.	Track, by Region, against quarterly targets the number of pretreatment inspections conducted by EPA and the number conducted by the States for: - POTWs - Industrial users	WQ/E-15	Q1,2,3,4
	*Report, by Region, the number of pretreatment Administrative Orders issued by EPA and the number of pretreatment equivalent actions issued by States.	WQ/E-16	Q1,2,3,4
	*Report, by Region, for pretreatment cases, the number of State civil referrals sent to State Attorneys General and the number of criminal actions filed in State Courts. (OECM will report EPA referrals).	WQ/E-17	Q1,2,3,4
Identify compliance problems and guide corrective actions through inspections	*Track, by Region, against quarterly targets, the number of major NPDES permittees inspected at least once. (Report EPA and States separately.)	WQ/E-18	Q1,2,3,4

* This measure is under review for SPMS. It will remain in the Office of Water Accountability System.

OFFICE OF WATER

Program Area: Drinking Water, Public Water System Supervision Program

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Ensure compliance with existing drinking water standards.	<u>POPULATION AT RISK:</u> Report, by Region, the populations served by community water systems that are significant noncompliers (SNC) of a microbiological, turbidity, TTHM, organic chemical other than TTHM, inorganic chemical, or radiological requirement. Report populations in two groups: a) microbiological, turbidity, and TTHM, and b) organic chemicals other than TTHMs, inorganic chemicals and radiological requirement. (Note: data are lagged two quarters.)	DW-1	Q 2
	<u>SETTING THE SNC BASES:</u> 1. Track, by Region, against targets, the number and percent of community water systems that are significant noncompliers of a microbiological, turbidity, or TTHM, requirement. Report as one number. (Note: Data are lagged two quarters.)	DW/E-1	10/15/86 and Q 1,2,3,4
	2. Track, by Region, the number and percent of community water systems that are significant noncompliers of an organic chemical other than TTHM, an inorganic chemical, or a radiological requirement. Report as one number. (Note: Data are lagged two quarters.)	DW/E-2	Q 2
	<u>FOLLOW-UP ACTIVITY ON SNCS: (EXCEPTIONS REPORTS)</u> 1. Microbiology, Turbidity, and TTHM: a. Track, by Region, the number of SNCS in the previous quarter's base which have returned to compliance, had a formal enforcement action taken against them or were operating under and adhering to a formal compliance schedule. (Note: Data are lagged two quarters.)	DW/E-3	Q 1,2,3,4

OFFICE OF WATER

Program Area: Drinking Water, Public Water System Supervision Program

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Ensure compliance with existing drinking water standards.	<u>FOLLOW-UP ACTIVITY ON SNCS (EXCEPTIONS REPORTS): cont'd</u>		
	b. Identify, by name and ID number, the community water systems contained in the previous quarter's base which have not returned to compliance, did not have a formal enforcement action taken against them or were not operating under and adhering to a formal compliance schedule. (Note: Data are lagged two quarters.)	DW/E-4	Q 1,2,3,4
	2. Organics other than TTHM, Inorganics, and Radiologicals:		
	a. Track, by Region, the number of SNCs in the second quarter base which have returned to compliance, did not have a formal enforcement action taken against them, or were not operating under and adhering to a formal compliance schedule. (Note: Data are lagged two quarters.)	DW/E-5	Q 3,4
	b. Identify, by name and ID number, the community water systems contained in the second quarter base which have not returned to compliance, did not have a formal enforcement action taken against them, or were not operating under and adhering to a formal compliance schedule. (Note: Data are lagged two quarters.)	DW/E-6	Q 3,4
<u>CIVIL/CRIMINAL CASE ACTIONS:</u>	*Track, by Region, the number of civil case referrals, and criminal case filings initiated against any community water systems during FY 87. Report the civil and criminal activity separately. (Note: data are lagged two quarters.)		
		DW/E-7	Q 1,2,3,4
	<u>SANITARY SURVEYS:</u>		
	*Track by Region, against quarterly targets, the number of State and EPA routine sanitary surveys conducted on community water systems. (Note: data are lagged two quarters.)	DW/E-8	Q 1,2,3,4

*This measure is under review for SPMS. It will remain in the Office of Water Accountability System.

OFFICE OF DRINKING WATER

Program Area: Drinking Water, Underground Injection Control Program

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Issue Underground Injection Control (UIC) permits expeditiously.	Track, by Region, progress against quarterly targets for the number of UIC permit determinations for existing and new Class I wells made by EPA and the number made by primary States. (Report permit determinations for new and existing wells separately. Provide for information the number of wells affected by these determinations. Note: one quarter lag for primary States.)	DW-2	Q 1,2,3,4
	Track, by Region, progress against quarterly targets for the number of UIC permit determinations for existing and new Class II, III, and V wells (as applicable) made by EPA and the number made by primary States. (Report permit determinations for new and for existing wells and for each well class separately. Provide for information the number of wells affected by these determinations. Note: one quarter data lag for primary States.)	DW-3	Q 1,2,3,4
	Track, by Region, progress against quarterly targets for the number of existing UIC Class II permit file reviews completed by EPA and the number completed by primary States. A file review should be counted as "completed" only if the file is found to meet regulatory requirements or, if the file is found to be deficient, appropriate follow-up action has been initiated. (Note: one quarter data lag for primary States.)	DW-4	Q 1,2,3,4
Assure the mechanical integrity of existing wells.	Track, by Region, progress against quarterly targets for the number of mechanical integrity tests of existing Class II wells performed by operators and verified by EPA in direct implementation States and the number performed by operators and verified by the States in primary States. (Note one quarter lag for primary States.)	DW-5	Q 1,2,3,4

OFFICE OF WATER

Program Area: Drinking Water, Underground Injection Control Program

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Achieve and maintain high levels of compliance in the UIC Program.	<u>COMPLIANCE</u> Track, by Region, for primacy and for direct implementation of States, the number and percent of major wells in violation of permit or rule requirements, and the number and percent of Class II, III, & V wells in significant violation of permit or rule requirements. (Note: data are lagged one quarter.)	DW/E-9	Majors: Q 1,2,3,4 All others Q 2,3,4
	<u>EXCEPTIONS LIST UNIVERSE</u> Identify by name and UIC I.D. number, for primacy and for direct implementation States, major wells (I & IV) and Class II, III, and V wells reporting significant violations and appearing on two or more consecutive Quarterly Noncompliance Reports without being returned to compliance or addressed with a formal enforcement action (list separately by State and by well class). (Note: data are lagged one quarter.)	DW/E-10	Majors: Q 1,2,3,4 All others Q 2,3,4
	<u>EXCEPTIONS LIST TRACKING</u> Identify by name and UIC I.D. number the total number of major wells (I & IV) and Class II, III, and V wells listed in the exceptions list universe for the previous quarter which have (1) returned to compliance or (2) have not yet returned to compliance but have been addressed with a formal enforcement action. (Note: data are lagged one quarter.)	DW/E-11	Majors: Q 2,3,4 All others Q 3,4

OFFICE OF DRINKING WATER

Program Area: Drinking Water, Underground Injection Control Program

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Achieve and maintain high level of compliance in the UIC Program.	<u>INSPECTIONS</u>	DW/E-12	Q,1,2,3,4
	*Track, by Region, progress against quarterly targets for the number of field inspections conducted by EPA and the number conducted by primacy States. (Note: data are lagged one quarter for primacy States.)		
	<u>FORMAL ENFORCEMENT ACTIONS</u>		
	*Report number of EPA or State administrative orders or equivalent State actions issued by type of action, by well class (list separately EPA and States). (Note: data are lagged one quarter for primacy States.)	DW/E-13	Q,1,2,3,4
	*Report number of Sec. 1423 and Sec. 1431 referrals or equivalent State actions generated:	DW/E-14	Q,1,2,3,4
	<ul style="list-style-type: none"> - civil action sent to HQ/SAG; - criminal referrals sent to HQ/SAG 		
	(Note: data are lagged one quarter for primacy States; OECM will report EPA data.)		

*This measure is under review for SPMS. It will remain in the Office of Water Accountability System.

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
STRATEGIC PLANNING AND MANAGEMENT SYSTEM
FY 1987 DRAFT* MEASURES

*THE FY 1987 SPMS MEASURES FOR OSWER ARE CURRENTLY UNDER REVIEW AND DEVELOPMENT BY HEADQUARTERS AND THE REGIONS. FINAL MEASURES WILL BE ISSUED BY THE END OF APRIL 1986 IN ACCORDANCE WITH THE SCHEDULE ON PAGE OSWER-17.

Program Area: Superfund

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Complete identification and assessment of uncontrolled Hazardous Waste sites in a timely manner	Number of sites with completed Preliminary Assessments (PA). Year to Date*	S/F-1	Q 1,2,3,4. By Regions
	Number of sites with completed Site Inspections (SI). Year to Date*	S/F-2	Q 1,2,3,4. By Regions
Focus removal action on the most serious incidents that require Federal Government participation and leadership.	Number of NPL sites with "first start" removal action. Report against combined target for Fund-financed and PRP. Year to Date*	S/C-3	Q 1,2,3,4. By Regions
	Number of NPL sites with subsequent Fund-financed removal action. Year to Date*	S/F-4	Q 1,2,3,4. By Regions
	Number of NPL sites stabilized via a "first start" removal action. Report against combined target for Fund-financed, PRP, and Federal Facility. Year to Date*	S/C-5	Q 1,2,3,4. By Regions
	Number of NPL sites stabilized via a subsequent Fund-financed removal action. Year to Date*	S/F-6	Q 1,2,3,4. By Regions
Implement an integrated program that effectively utilizes both Fund resources and BRP participation to support and implement RI/FS activities	Number of new sites where RI/FS has been started. Report against combined target for Fund-financed, PRP, and Federal Facility. Year to Date. -- First funding of RI/FS at new site.* -- Subsequent funding (subsequent operable unit RI/FS) at site.*	S/C-7	Q 1,2,3,4. By Regions
Implement a cost-effective remedial construction program.	Number of sites where remedy has been selected. Combined targets for ROD and EDDs. Year to date.	S/C-8	Q 1,2,3,4. By Regions
	* This measure requires regional targets.		

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OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

Program Area: Superfund

OBJECTIVE	MEASURE	SMS CODE	FREQUENCY
Complete cleanup and delete sites from the NPL.	-- First ROD or EDD at new site.*	S/F-9	Q 1,2,3,4. By Regions
	-- Subsequent RODs or EDDs at site.*		
	Number of NPL sites where remedial action activity has been started. Year to date (Fund-financed work only)		
	-- First funding of a remedial action activity at a new site*	S/C-10	Q 1,2,3,4. By Regions
	-- Funding for remedy contained in a subsequent ROD or EDD.*		
	Number of sites where all remedial implementation has been completed. Year to date* and program to date for Fund-financed and RRP cleanups.		
	Number of sites where the NPL deletion process has been initiated. Year to date* Report on both Fund-financed and RRP-financed NPL deletions.	S/C-11	Q 1,2,3,4.
	* This measure requires regional targets.		

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Program: Superfund Enforcement

OBJECTIVE	MEASURE	SMS CODE	FREQUENCY
Achieve and maintain maximum levels of cleanup activity through enforcement.	<p><u>Formal Administrative Orders</u></p> <p>Specify the total number and names of sites at which a § 106 Administrative Order (including Federal Facility agreements) was issued this quarter for both NPL and non-NPL sites. (Access orders are not included.)</p> <ol style="list-style-type: none"> 1. Remedial 2. Removal <p>(Separate NPL and non-NPL)</p> <p><u>Civil Referrals</u></p> <p>Reporting on judicial actions will be done through OCEM's automated DOCKET system.</p> <ol style="list-style-type: none"> *1. Superfund Cost Recovery Actions <ol style="list-style-type: none"> a. The number of § 107 cost recovery actions referred to Headquarters this quarter. b. The number of cost recovery settlements with PRPs achieved within the Region. 2. The number of § 106 civil actions referred to Headquarters this quarter. 	S/E-1	Q 1,2,3,4. By Regions
		S/E-2	Q 1,2,3,4.
	* This measure requires regional targets		

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OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

Program: Superfund Enforcement

OBJECTIVE	MEASURE	SMS CODE	FREQUENCY
	<p><u>Cost Recovery</u></p> <p>Reporting on settlement achieved via cost recovery action.</p> <p>1. The amount of reimbursement (accounts receivable and amounts collected) of Trust Fund money by PRPs, under terms of a judicial decision or settlement (consent decree). Year to date.</p> <p>In addition we are involved in internal discussions concerning measures which track the outcome of consent decrees and administrative orders under the CERCLA enforcement program. Another new measure under consideration is one designed to track progress of activities within State led enforcement sites.</p> <p>* This measure requires regional targets</p>	S/E-3	Q 1,2,3,4. By Regions

Program: Resource Conservation and Recovery Act

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Work with States to seek HSWA Authorization	<p>RCRA Permitting and State authorization</p> <p><u>State Authorization Measures</u></p> <ul style="list-style-type: none"> * ° State submits official application HSWA cluster. ° EPA makes final authorization decision for HSWA cluster. <p><u>Permitting Measures</u></p> <p>Report on the following information for land disposal, incineration, and storage and treatment facilities:</p> <ul style="list-style-type: none"> * <u>Public Notices</u> <ul style="list-style-type: none"> ° Public notice of draft RCRA permit issued. ° Notice of intent to deny RCRA permit issued. ° Notice of availability of closure plan issued. * <u>Final Determinations</u> <ul style="list-style-type: none"> ° RCRA permit issued. ° RCRA permit denied. ° Closure plan approved. * This measure requires regional targets. 	<p>R/C-1</p> <p>R/C-2</p>	<p>Q 1,2,3,4. By Region</p> <p>Q 1,2,3,4. By Regions.</p>
Make final RCRA permit determinations by the statutory deadlines.			

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OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

Program: Resource Conservation and Recovery Act

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
	<p><u>Facility Management Measures</u></p> <p>Report quarterly on:</p> <p>* <u>Ground Water Monitoring/Converitive for Regulated Unit.</u></p> <ul style="list-style-type: none"> ° Facility in compliance with \$ 270.14(c)(4) ° Detection monitoring program developed (\$ 264.98 or (\$270.14(c)(6)) ° Compliance monitoring program developed (\$ 264.99 or \$270.14(c)(7)) ° Corrective action measures completed ° Corrective action program developed (\$ 264.100 or \$ 270.14(c)(8)) <p><u>Facility Management Plan Actions Taken</u></p> <p>*<u>Corrective Action for Solid Waste Management Units (applies to facilities seeking operating permits and closing facilities)</u></p> <ul style="list-style-type: none"> ° PA completed for entire facility. ° PA/SI completed for entire facility. ° Interim measures initiated ° Interim measures completed. ° Remedial Investigation completed plan approved. <p>* This measure requires Regional targets.</p>	<p>R/C-3</p> <p>R/C-4</p>	<p>Q 1,2,3,4. By Regions</p> <p>Q 1,2,3,4. By Regions</p>

Program: Resource Conservation and Recovery Act

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
	<ul style="list-style-type: none"> ◦ Remedial Investigation completed for entire facility ◦ Remedial design initiated ◦ Remedial design completed ◦ Corrective measures program approved. <p>Another measure that is under review and discussion is:</p> <ul style="list-style-type: none"> ◦ Number of facilities expected to be permitted that are environmentally significant. 		

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

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Program Area: RCRA Enforcement

OBJECTIVE	MEASURE	SFMS CODE	FREQUENCY
Improved compliance of hazardous waste handlers with appropriate requirements under RCRA	<p><u>Universe of Facilities</u></p> <p>A. Specify the total number of land disposal facilities that are regulated. (include operating and closed facilities separately.)</p> <p>B. Specify total number of TSDFs (other than land disposal) that are regulated. (Do not include underground storage tanks, generators, transporters, notifiers carrying non-regulated status codes or State-only regulated handlers.)</p> <p>C. Total number of TSDFs (land disposal and other) with permits containing corrective action conditions or schedules of compliance.</p>	R/E-1	Q 1 By Region
	<p><u>*Inspections</u></p> <p>A. Specify number of land disposal facilities that have received an inspection each quarter for the first time in FY 87. Once inspected in FY 87, it should not be recounted in this category.</p> <p>B. Specify number of TSDFs (other than land disposal) that have received an inspection each quarter for the first time in FY 87. Once inspected in FY 87, it should not be recounted in this category.</p> <p>* This measure requires regional targets.</p>	R/E-2	Q 1,2,3,4. By Region

Program Area: RCRA Enforcement

OBJECTIVE	MEASURE	SMS CODE	FREQUENCY
Class I Violations	<p>A. Specify number of land disposal facilities identified each quarter as having one or more Class I violations as a result of any inspection reported in R/E-2(A) this year. If the first CME or CEI inspection previously reported in R/E-2(A) did not detect any Class I violations, yet a subsequent CME or CEI did, then report this quarter that the facility had a Class I violation detected from the subsequently conducted inspection.</p> <p>B. Specify number of TSDFs (other than land disposal) identified each quarter as having one or more Class I violations as a result of any inspection reported in R/E-2(B). If the first CEI inspection previously reported in R/E-2(B) did not detect any Class I violations, yet a subsequent CEI did, then report this quarter that the facility had a Class I violation detected from the subsequently conducted inspection.</p>	R/E-3	Q 1,2,3,4 By Region
Significant Noncompliance - Fixed Universe	<p>A. Specify the number of land disposal facilities in significant non-compliance (SNC) and TSDFs subject to permit conditions/orders requiring corrective action in significant non-compliance at the beginning-of-the-year (hereafter, fixed SNC universe). (Break out violations of regulatory requirements, violation of corrective action requirements, or both. Total equals number of facilities in universe, counting a facility only once.)</p>	R/E-4	

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OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

Program Area: RCRA Enforcement

OBJECTIVE	MEASURE	SMS CODE	FREQUENCY
	<p>* B. Specify the number of land disposal facilities and TSDFs subject to permit conditions/orders requiring corrective action in the fixed SNC universe that have received an initial formal enforcement action (i.e., filed administrative or judicial complaint or State equivalent) that address all significant noncompliance. (Break out facilities by regulatory requirements corrective action requirements or both.)</p> <p>C. Specify the number of land disposal facilities and TSDFs subject to permit conditions/orders requiring corrective action in the fixed SNC universe that are under a final effective administrative order, court judgment or consent decree entered (or State equivalent) that addresses all significant non-compliance. (Break out facilities by regulatory requirements, corrective action requirements or both.) (Separate EPA and States.)</p> <p>D. Specify the number of land disposal facilities and TSDFs in the fixed SNC universe brought into physical compliance regardless of how this was achieved, with all violations that placed them in the fixed universe. (Break out facilities by regulatory requirements, corrective action requirements or both.)</p> <p>* This measure requires regional targets.</p>		

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

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Program Area: RCRA Enforcement

OBJECTIVE	MEASURE	SFMS CODE	FREQUENCY
	<p>E. Specify the number of land disposal facilities and TSDFs subject to permit conditions/orders requiring corrective action in the fixed SNC universe that have not returned to compliance regarding violations that placed them in the SNC fixed universe and have not had formal enforcement action initiated against them to resolve all Class I violations that placed them in the fixed universe. (Break out facilities by regulatory requirements corrective action or both.)</p> <p>The above measure should be subdivided as follows:</p> <p>Specify the number of land disposal facilities and other TSDFs subject to permit conditions/orders requiring corrective action in the fixed SNC universe that have not returned to compliance regarding violations that placed the facility in the the SNC fixed universe and have not had formal enforcement action initiated against them relating to a violation related to an inspection over (a) 135 days, (b) 182 days, (c) 275 days and (d) 365 days (a-d mutually exclusive) prior to the end of the reporting period to resolve all violations that placed them in the fixed SNC universe.</p> <p>NOTE: In addition to being in the first category, a facility in the SNC fixed universe must be in exactly one of the other above categories ("o") at any one point in time.</p>		

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

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Program Area: RCRA Enforcement

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
	<p>Significant Noncompliance - Snapshot (includes fixed universe and all SNCs identified to date in FY 87)</p> <p>A. Specify the number of land disposal facilities in SNC and other TSDFs subject to permit conditions/orders requiring corrective action in SNC with those conditions/orders at the end of each quarter. (A facility can be counted only once as being in SNC.) (Break out violations of regulatory requirements, violation of corrective action requirements or both.)</p> <p>B. Specify the number of land disposal facilities and other TSDFs subject to permit conditions/orders requiring corrective action in SNC at the end of each quarter against which there is one or more formal enforcement actions (i.e., a filed administrative or judicial complaint or State equivalent) that address all violations that caused the facility to be listed as a SNC. (Break out violations of regulatory requirements corrective action requirements or both.)</p> <p>C. Specify the number of land disposal facilities and other TSDFs subject to permit conditions/orders requiring corrective action in SNC at the end of each quarter that are under a final, effective administrative order, court judgment or consent decree (or State equivalent) that address all outstanding violations that are causing the facility to be listed as a SNC. (Break out violations of regulatory requirements, corrective action requirements or both.)</p>	R/E-5	Q 1,2,3,4 By Region

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

Program Area: RCRA Enforcement

OBJECTIVE	MEASURE	SMS CODE	FREQUENCY
	<p>D. Specify the number of land disposal facilities in SNC and other TSDFs subject to permit conditions/orders requiring corrective action that have been brought into physical compliance (regardless of how this was achieved) thus far in FY 87 with all violations that caused the facility to be in SNC universe. (Break out regulatory requirements, corrective action requirements or both.) (Separate EPA and States)</p> <p>E. Specify the number of land disposal facilities and other TSDFs subject to permit conditions/orders requiring corrective action in SNC that have not returned to physical compliance with all violations that caused the facility to be in this universe and have not had formal enforcement action initiated against them (a) thus far in FY 87, (b) for over 135 days, (c) for 182 days, (d) for 275 days, and (e) for over 365 days, to resolve all violations of ground water, closure, post-closure and financial responsibility requirements that caused the facility to be in the SNC universe. (Break out regulatory requirements, corrective action requirements, or both.)</p> <p>NOTE: Each SNC must be in exactly one of the above categories.</p>		

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

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Program Area: RCRA Enforcement

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
	<p><u>Federal Facilities - Snapshot</u></p> <p>A. Specify the number of Federally owned or operated land disposal facilities (including contractor-operated Federal facilities) that are in SNC with regulatory requirements or corrective action requirements of an order or permit at the end of this quarter.</p> <p>B. Specify the number of Federally owned or operated SNCs against which there is one or more formal enforcement action(s) addressing all violations that caused the facility to be listed as a significant noncomplier.</p> <p><u>Enforcement Actions</u></p> <p>A. Specify the number of formal administrative enforcement actions issued this quarter to TSDFs not including corrective actions (Separate EPA and States)</p> <p>B. Number of formal enforcement actions filed this quarter seeking corrective action.</p> <p>C. Specify the number of civil and criminal cases filed on behalf of the State agency this quarter to TSDFs (Separate civil and criminal)</p> <p>NOTE: EPA civil and criminal referrals will be reported by OECM</p>	<p>R/E-6</p> <p>R/E-7</p>	<p>Q 1,2,3,4 By Region</p> <p>Q 1,2,3,4 By Region</p>

DRAFTProgram Area: CHEMICAL ENERGY PREPAREDNESS PROGRAM DRAFT MEASURES

OBJECTIVE	MEASURES	SMS CODE	FREQUENCY
	A. Report number of Chemical Emergency Preparedness Program Action Plans developed with States for designated priority areas.	CEP-1	Q 1,2,3,4. By Region
	B. Report number of contingency plans in CEPP designated priority areas that are under development, review, revision, completed, or tested (i.e., simulation exercise).	CEP-2	Q 1,2,3,4. By Region
	C. Report number of training courses held and number of people trained.	CEP-3	Q 1,2,3,4. By Region

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OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

Program Area: UNDERGROUND STORAGE TANKS (UST)

OBJECTIVE	MEASURE	SFMS CODE	FREQUENCY
	<p>The Underground Storage Tank program is still in its early period of design. Goals and objectives which are specific enough to allow for the development of tightly designed SFMS measures have not yet been constructed. We are working with the Regions and other Headquarter offices to develop the operational guidelines for the program which will permit us to present the operational guidelines for the program which will permit us to present appropriate FY 87 measures in time for the April 21 deadline.</p>		

SCHEDULE FOR COMPLETING FY 1987 SPMS MEASURES

<u>ACTION</u>	<u>DATE</u>
° Office Directors submit draft measures to AA	2/5/86
° AA includes draft measures in final draft guidance package and sends to OMSE, OECM and Regional Administrators for comment.	2/14/86
° Comments on draft measures due to OSWER and OMSE	3/17/86
° Second draft of measures to OSWER, OMSE Regions and OECM.	4/8/86
° Final comments due to OSWER, OMSE and OECM	4/14/86
° Outstanding issues and final measures elevated to OD, DD level for resolution	4/17/86
° AA submits final measure to OMSE	4/21/86

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES
STRATEGIC PLANNING AND MANAGEMENT SYSTEM

FY 1987 MEASURES

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

Program: Pesticides

OBJECTIVE	MEASURE	SPMS CODE	FC
Protect health and the environment from any unreasonable effects from pesticides currently in use.	Issue _____ data call-in letters to obtain key data for existing non-food use pesticides.	P-1	Q 1,2,3,4
	Establish _____ Registration Standards and one final regulatory standard and tolerance reassessment.	P-2	Q 1,2,3,4
	Implement the following Intermediate Health and Safety Requirements for _____ chemicals covered by Registration Standards issued before October 1, 1985. <ul style="list-style-type: none"> ° Submission by the registrant of an acceptable draft label. ° Agreement to submit all studies requested by EPA within a time frame acceptable to both the registrant and EPA. 	P-3	Q 1,2,3,4
Restrict or ban the use of pesticides posing unreasonable effects to human health and the environment.	Make _____ Special Review decisions and indicate pesticides planned for Special Review.	P-4	Q 1,2,3,4
	Complete _____ reviews of Studies called in by Registration Standards or data-call-in letters or received as a result of 6(a)(2) adverse effects notifications.	P-5	Q 1,2,3,4

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

Program: Pesticides

OBJECTIVE	MEASURE	SPMS CODE	FC
Prevent unreasonable risks from Pesticide active ingredients and products and encourage use of safer products.	<p>Complete final decisions on new active ingredients and applications for registration in a timely manner and report on the overdue active ingredients and applications.</p> <ul style="list-style-type: none"> - New Active Ingredients (New Chemical/New Biochemical/Microbiological): _____ - Old Chemical applications _____ - Amended Registration applications _____ - New Uses applications _____ 	P-6	Q 1,2,3,4
	<p>Complete action on _____ emergency exemptions.</p> <p>Process _____ tolerance petitions within quarter</p> <p>Targets and report on the size of the overdue petitions.</p>	P-7 P-8	Q 1,2,3,4 Q 1,2,3,4

Program Area: Pesticides Enforcement

OPTS-3

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

Program Area: Pesticides Enforcement

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Achieve and maintain a high level of compliance.	<p><u>Significant Violator - EPA Cases (Dynamic Base)*</u></p> <p>NOTE: Categories of violations to be included in this measure will be finalized later in FY 1986.</p> <p>For (specified) violations referred from the states to EPA for action or for (specified) cases based on EPA inspections report:</p> <ul style="list-style-type: none">◦ number of actions addressed within 30 days of state referral or completion of EPA inspection:◦ number not addressed within that timeframe.◦ addressed after exceeding that timeframe. <p>* See "Definitions."</p>	P/E - 4	Q 1,2,3,4

PESTICIDES ENFORCEMENT DEFINITIONS

NOTE: "Significant Violator" definition will be modified to reflect revisions to Measures P/E-3 and P/E-4 later in FY 1986.

A "Significant Violator" is any violator which meets the criteria for significant cases set forth in 40 CFR 173 (interpretive rule governing FIFRA Section 26 and 27 referrals). In general, priority areas will consist of those state pesticide activities which present greatest potential for harm to health or the environment. EPA will determine on a case-by-case basis which allegations in the priority areas agreed to by EPA and the State in the cooperation agreement involve sufficiently "significant" violations to be formally referred to the State and traced.

An "appropriate State Enforcement action" is an action which meets the criteria in 40 CFR 173. In general, the severity of the proposed enforcement action must correlate to the gravity of the violation. Specifically, each state cooperative agreement will identify "appropriate" action relative to the remedies available to the state.

An "appropriate Federal Enforcement action" for a "significant violator" is one of the following:

- Administrative Complaint
- Civil Judicial Action for penalty collection
- Criminal Action

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

Program Area: Toxic Substances

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Identify and evaluate potential risks of suspect existing chemicals.	Provide quarterly disposition of existing chemical evaluations covering phases I, II, and III.	T-1	Q1,2,3,4
	Take initial action on the 17th and 18th ITC lists within the statutory deadline of one year (DNT, NPRM, Consent Orders).	T-3	*
	Complete post-ITC responses (includes final decisions not to test and proposed/final test rules).	T-4	Q1,2,3,4
	Report quarterly on the number of TSCA §8 Information Gathering Rules and on the number of chemicals covered by those rules.		Q1,2,3,4
	Complete chemical analyses of the 1986 adipose network sample collection (status report).		Q4
Initiate and promulgate actions to reduce the risks from hazardous existing chemicals.	Complete existing chemical risk management actions (includes chemical advisories, §6 actions, §9 referrals, and significant new use rules).	T-2	Q1,2,3,4

* Frequency needs to be determined this summer due to changes in ITC referral process.

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

Program Area: Toxic Substances

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Subject all new chemicals to a meaningful review and take action to control those that pose an unreasonable risk.	Report on the number of new chemical notices received and processed each quarter.	T-5	Q1,2,3,4
Protect society from future risks which may develop as new chemicals develop in the market place.	Report on the number of new chemical control actions (includes voluntary testing, voluntary controls, consent or formal 5(e) orders, 5(f) orders or withdrawal due to EPA concerns).	T-6	Q1,2,3,4
	Complete follow-up actions taken on new chemicals (includes SNURS or §8(a) rules).		

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

Program Area: Toxic Substances Enforcement

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Achieve and maintain a high level of compliance	<u>EPA Inspections</u> Specify number of EPA inspections conducted.*	T/E - 1	Q 1,2,3,4
	<u>EPA Compliance-Case Review</u> Report on case review and development activities. Identify the number of inspections for which: <ul style="list-style-type: none"> o case review is pending o no enforcement action is warranted o enforcement action is being developed o minor enforcement action was issued o administrative complaint was issued** o judicial action taken (retrieved from Docket system by OECM) 	T/E - 2	Q 1,2,3,4
	<u>State Inspections</u> For each state conducting a TSCA compliance program under a cooperative agreement with <u>EPA</u> report the number of state inspections conducted	T/E - 3	Q 1,2,3,4
	<u>State Compliance-Case Review</u> Report the EPA case review and development activities for state inspections as follows: <ul style="list-style-type: none"> o case review is pending o no enforcement action is warranted o enforcement action is being developed o minor enforcement action was issued o administrative complaint was issued** o judicial action taken (retrieved from Docket system by OECM) <p>* This measure requires quarterly targets. ** All Administrative Complaints issued - both SNC and non-SNC.</p>	T/E - 4	Q 1,2,3,4

OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

Program Area: Toxic Substances Enforcement

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Achieve and maintain a high level of compliance	<u>Significant Noncompliance - Fixed Base*</u> (Pre-FY 1987 cases) Identify the number of significant noncomplier cases issued prior to FY 1987 which have been open 6 months or less, those which have been open more than six months, and the number of pre-FY 1987 inspection reports, designated SNC, for which enforcement action is pending (case development is ongoing). Each quarter, report on the beginning-of-year inventory of SNC cases: <ul style="list-style-type: none">◦ for which enforcement action is pending.**◦ issued and open 6 months or less.◦ issued and open more than 6 months.◦ closed	T/E - 5	Q 1,2,3,4
Achieve and maintain a high level of compliance in Federal Facilities.	<u>Significant Noncompliance - Dynamic Base*</u> (FY 1987 SNC cases) - For FY 1987 inspections conducted and meeting the definition of significant noncompliance report: <ul style="list-style-type: none">◦ the number of cases pending enforcement action◦ the number of administrative complaints issued◦ the number of cases closed. <u>Federal Facilities</u> For T/E-1, T/E-2, T/E-5, and T/E-6, report data separately for Federal facilities, as a subset of totals. * See "Definitions". ** Regional targets will be set for opening (taking action against) pending cases.	T/E - 6***	Q 1,2,3,4
		T/E - 7	Q 1,2,3,4

TOXIC SUBSTANCES ENFORCEMENT DEFINITIONS

Formal Enforcement Action - Noncompliance is addressed by an administrative complaint or by a civil or criminal judicial action. All SNC's must be addressed by a formal enforcement action--at minimum an administrative complaint.

Minor Enforcement Action - Noncompliance is addressed by a Notice of Noncompliance.

Significant Noncompliance (SNC) - SNC is one of the following violations for which the level of enforcement action is, at a minimum, an administrative complaint:

- Any PCB violation involving a) improper disposal, b) manufacturing, c) processing, d) distribution e) improper use.
- A PCB storage violation, major record-keeping violation and/or marking violations, in which the extent of potential damage is Major (as calculated on the GBP penalty matrix).
- Any PCB disposal resulting in contamination of surface or ground water, food or feeds.
- Any Asbestos-in-Schools violation involving failure to inspect, sample, analyze, post warnings, notify, and/or keep records where asbestos is present.
- Any violation of testing requirements under Section 4.
- Any violation of premanufacturing notification under Section 5.
- Any violation of Section 13 including: failure to either certify that all imported chemical substances are in compliance with TSCA or are not subject to TSCA, and falsification of a certification report.
- Any violation of Section 8 including: failure to submit required records and/or reports; falsification of records and/or reports; and incomplete reporting and/or recordkeeping.

Note: The definition of SNC is used for two measures: 1) compiling the list of pending cases for the BOY inventory, and 2) for new cases reported under SNC Dynamic Base.

Note: For Federal facilities, SNC is a facility where the violation(s), as defined above, would normally result in a formal enforcement action. These actions, however, are handled in accordance with the EPA's Federal Facility Compliance Program guidance (June 1984).

TSCA definitions (cont'd)

SNC Fixed Base (Pre-FY1987) - Refers to reducing the number of pre-FY1987 SNC cases on the Beginning-of-Year (BOY) inventory. Targets are set for taking action against Pending Action cases. Closing of cases is tracked. Each quarter, Regions report the number of cases pending enforcement action, the number of cases open 6 months or less, the number open more than 6 months, and the number closed.

BOY Inventory - Consists of two categories: 1) A list of all SNC cases, including Federal Facility actions, opened prior to FY1987 and not closed as of 10/1/86. 2) A list of all pending action cases, as of 10/1/86, which meet the definition of SNC. The BOY inventory should not change in FY1987.

SNC Dynamic Base (FY1987 Cases) - Refers to taking action against newly identified FY1987 cases which meet the definition of significant noncompliance.

Pending Enforcement Action - Those inspections files for which an SNC violation is determined, but issuance of the enforcement action is pending (case development is ongoing) at the time of reporting. A preliminary determination of SNC should be made for all inspections as of 10/1/86 for inclusion on the BOY inventory. If further review indicates the violation is not SNC, the case is reported "closed" on the BOY inventory and other action proceeds.

Open - Cases for which an administrative complaint has been issued, but the case has not been closed.

Closed - The case is either withdrawn or a consent agreement and order has been issued. (Also, the case was designated SNC on preliminary review, but determined not SNC on later, further review.)

Note: A Federal facility SNC will be considered closed when EPA receives a letter from the facility verifying compliance or when a compliance agreement with an acceptable schedule for returning facility to compliance is signed.

OFFICE OF EXTERNAL AFFAIRS
STRATEGIC PLANNING AND MANAGEMENT SYSTEM
FY 1987 MEASURES*

*MOST OF THE FY 1987 SPMS MEASURES FOR OEA ARE FINAL. THOSE MEASURES WHICH ARE NOTED AS "DRAFT" ARE CURRENTLY UNDER REVIEW AND DEVELOPMENT BY HEADQUARTERS AND THE REGIONS. FINAL MEASURES WILL BE ISSUED BY THE END OF APRIL 1986 IN ACCORDANCE WITH THE SCHEDULE ON PAGE OEA-13.

OFFICE OF EXTERNAL AFFAIRS

Program: Federal Activities

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
<u>Federal Facilities Compliance Program</u> Achieve and maintain high rates of compliance at Federal facilities through the A-106 pollution abatement planning process.	Develop name lists in each Region of those Federal facilities included in each of the selected media program priority areas jointly identified by OFA and the HQ program offices.	0EA-1/E*	Q 1
	Report the number of identified facilities in each program priority area which have been addressed through adequate A-106 projects proposed by each Federal agency.	0EA-2/E*	Q 2
	Report the total number of identified facilities in each program priority area which have been addressed through adequate A-106 projects in the Federal agencies' final A-106 pollution abatement plan submissions.	0EA-3/E*	Q 4
	Develop individual name lists, by Region, for each media program, of those Federal facilities minor sources which do not meet the media program's definition of a major source, but which are determined to be potentially environmentally significant source(s) for an individual program. (Limited to no more than 10% of the Federal facility minor sources in each media program.)	0EA-4/E*	Q 1
Improve Federal facility compliance program management.	Develop a name list in each Region of those Federal facilities which are environmentally significant when considered on a multi-media basis. (Limited to no more than 10 facilities per Region.)	0EA-5/E*	Q 2
	Develop Federal Facility Compliance Management Plans in cooperation with appropriate media program offices, for the top three environmentally significant Federal facilities in each Region from a multi-media perspective.	0EA-6/E*	Q 4

*Indicates preliminary draft measure(s) to be finalized according to the attached ATS schedule.

0EA-1

OFFICE OF EXTERNAL AFFAIRS

Program: Federal Activities

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
<u>Environmental Review Program</u> Improve effectiveness of the environmental review process through early coordination, review of proposed actions, and follow-up on controversial actions.	Identify, by Region, the number of:	OEA-7	Q 1,2,3,4
	(i) Track progress against targets for projects for which substantive pre-EIS (or EA) coordination ("scoping") efforts were <u>initiated</u> this quarter with other Federal Agencies.	OEA-7a	
	(ii) Draft EISs reviewed.	OEA-7b	
	(iii) Final EISs reviewed.	OEA-7c	
	(iv) Substantive reviews of environmental assessments, regulations, and license applications.	OEA-7d	
Reduce environmental impact of Federal projects through improved project design.	(v) Track progress against targets for projects for which substantive follow-up agency meetings or other substantive information exchanges were <u>initiated</u> this quarter to resolve EPA concerns.	OEA-7e	
	Identify, by Region, the number of:	OEA-8	Q 1,2,3,4
	(i) Reviews, identified in OEA-7b and OEA-7d in which EPA raised environmental concerns.	OEA-8a	
	(ii) Reviews identified in OEA-7b and OEA-7d for which substantive scoping was conducted.	OEA-8b*	
	(iii) Project reviews completed this quarter (i.e., a final EPA comment or action has been completed) for which EPA had raised environmental concerns.	OEA-8c	
	(iv) Project reviews identified in OEA-8c where the final EPA comment or action indicates that EPA concerns were satisfactorily resolved.	OEA-8d	

*Indicates preliminary draft measure(s) to be finalized according to the attached ATS schedule.

OFFICE OF EXTERNAL AFFAIRS

Program: Federal Activities

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
<u>Dredge and Fill Program - Non-enforcement</u> Manage the Headquarters and Regional process for Section 404 discharge of dredged or fill material permit review.	Track the status of 404 proposed permits which raise significant issues and progress made toward resolution. Report by Region, the number of: (i) Unresolved §404 reviews from previous quarter(s) which raised significant issues. (ii) §404 proposed permit reviews initiated this quarter. (iii) §404 reviews for this quarter which raised significant issues. (iv) §404 resolutions during this quarter: a. Due to Corps or applicant acceptance of EPA comments, leading to issuance. b. Due to Corps acceptance of EPA comments, resulting in permit denial. c. Due to Corps issuing permit over EPA recommendation for denial or without inclusion of EPA recommended permit modifications of conditions. d. Due to applications withdrawn.	0EA-9 0EA-9a 0EA-9b 0EA-9c 0EA-9d	Q 1,2,3,4
Protect the most important wetlands.	Track progress against targets for the number of advanced identification actions initiated (under §230.80, §404(c) or a	0EA-10	Q 1,2,3,4

Program: Federal Activities

*Indicates preliminary draft measure(s) to be finalized according to the attached ATS schedule.

OFFICE OF EXTERNAL AFFAIRS

Program: Federal Activities

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Manage an effective §404 compliance/enforcement program.	SIGNIFICANT VIOLATORS-Dynamic Base (FY 1987 enforcement actions). For FY 1987 newly identified SV. Each quarter, report cumulative total to date of: (i) number of enforcement field investigations (ii) significant violations detected for which formal enforcement action not yet taken (iii) sites addressed by formal enforcement action (EPA or Corps) (iv) sites resolved by formal enforcement action by site (v) sites otherwise resolved	0EA-13/E* 0EA-13a/E 0EA-13b/E 0EA-13c/E 0EA-13d/E 0EA-13e/E	Q 1,2,3,4
NEPA Compliance Program	Report, by Region, against target, the number of States for which oversight reviews were performed by EPA Report, by Region, the total requests year-to-date (including requests pending ROY), for actions providing assistance to programs (other than construction grant/new source NPDES for meeting voluntary EIS or functional equivalency responsibilities Total actions performed year to-date in response to requests counted in 0EA-15	0EA-14 0EA-15	Q 1,2,3,4 Q 1,2,3,4
Ensure EPA's compliance with the requirements with NEPA laws.		0EA-15a	Q 1,2,3,4

*Indicates preliminary draft measure(s) to be finalized according to the attached ATS schedule.

OFFICE OF EXTERNAL AFFAIRS

Program: Federal Activities

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
<u>Indian Program</u> Extend EPA's program coverage Indian reservation lands.	Track, by Region, against targets, the number of tribal/EPA Agreements developed Track, by Region, against target, the number of technical workshops held for tribal environmental staff Identify, by Region, the number of requests for technical assistance received from tribal governments (i) Technical assistance actions taken in response to requests received in OEA-19	OEA-17 OEA-18 OEA-19 OEA-19b	Q 1,2,3,4 Q 1,2,3,4 Q 1,2,3,4

OFFICE OF EXTERNAL AFFAIRS

Program: Federal Activities

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
<u>NEPA Compliance Program</u> Ensure EPA's compliance with the requirements with NEPA and related environmental laws.	Report, by Region, the number of: (i) States for which oversight reviews were performed by EPA (against target) (ii) Total requests year-to-date (including requests pending BOY). For actions providing assistance to programs (other than construction grant/new source NPDES) for meeting voluntary EIS or functional equivalency responsibilities. (iii) Total actions performed year-to-date in response to requests counted in OEA - (ii above)	OEA OEA OEA	Q 1,2,3,4 Q 1,2,3,4 Q 1,2,3,4

OEA Definitions

Federal Facilities Compliance Program

"Program priority areas" - Areas which have been identified by each media program as compliance and enforcement priorities for Federal facilities during FY 87 (e.g. Class B VOC sources in the Air Program). These priorities will be selected by the programs, in cooperation with OFA, during FY 86 and the Regions will be notified of these selected priorities in the third quarter of FY 86. It is anticipated that these priorities will be limited to a total of three in FY 86, one for each of three selected media programs (e.g. Air, Water and solid/hazardous waste).

"Adequate" A-106 projects" - Federal agency pollution abatement projects which have been submitted to EPA Regions for review and determined by EPA to be adequate in terms of engineering, cost and timeliness to prevent or correct compliance problems.

"Potentially Environmentally significant minor sources" - Federal facility minor sources which do not meet media programs' definitions of major sources but, which due to certain complexities, locational factors, facility type, compliance patterns or other unique features have been determined to be potentially environmentally significant in an individual media program area. This determination will be made jointly by OFA and the respective program offices in each Region based upon guidance to be issued on this subject by OFA in FY 86. Each list will be limited to no more than 10%.

"Environmentally significant Federal facilities" - Those Federal facilities in each Region which are the most potentially environmentally significant facilities when considered on a multi-media basis. A maximum of ten (10) federal facilities should be identified for this purpose in each Region.

Factors to be taken into account in making these determinations include:

- 1) whether the facility is a significant violator or in significant noncompliance in one or more media program;
- 2) the number of major sources in each program at the facility;

- 3) whether the facility is a repeat violator or has a history of non-compliance;
- 4) the number of potentially environmentally significant minor sources in each program at the facility;
- 5) whether the facility is included in an Agency geographic enforcement initiative; and
- 6) whether the facility has received a high priority rating under the NEIC multi-media ranking system.

Further guidance on the criteria to be used in mailing these determinations will be issued in FY 86.

"Federal Facility Compliance Management Plan" Strategic plans for improving the overall environmental management structure and capability of selected environmentally significant federal facilities in each Region. These plans are to be developed by the Regional Federal Facility Coordinators in cooperation with the media program offices. Plans should address identified needs of these facilities in the areas of technical assistance, training for Federal agency personnel environmental auditing guidance, additional inspections, potential compliance agreements or MOU's, periodic meetings and workshops, etc. More detailed guidance on development of these plans will be issued by OFA in FY 86.

Environmental Review Program

"Substantive" pre-EIS/EA coordination and follow-up means that detailed site specific information was generated and transmitted to the lead agency. Such "substantive" efforts generally involve about 3 person days or more of effort for the total scoping or follow-up process.

"Initiated" means the first interagency scoping or follow-up event on a given project. Subsequent events are not counted - the idea is to determine the number of projects for which substantive scoping or follow-up was done.

"Project Reviews Completed" means any project for which EPA has made its last input. For EIS's this is generally the FEIS comment letter. For EA's its generally the follow-up phone call.

Dredge and Fill Program - Non-Enforcement

"Review" includes comment letters, telephone conversations, interagency meetings, or any other situation where decisions are being made or, at least, information is being gathered in order to make a decision. Each permit equals only one review even though the review may consist of different activities throughout the review process. Where EPA reviews result in a "no comment," only those proposals which were actually reviewed should be included, not those which deserved only an initial screening.

"Significant issues" are those requiring resolution to bring discharges into compliance with the 404(b)(1) Guidelines. The term signifies EPA recommendations for permit denial, modification or conditions to which the Corps must respond before issuing a permit. Significant issues are reported ONLY IN THOSE CASES WHERE THE DISTRICT ENGINEER IS REQUIRED TO RESPOND TO EPA BEFORE ISSUING A NOTICE OF INTENT TO ISSUE under paragraph 6(d) of the 1985 404(q) Memorandum of Agreement. We are interested only in comments where EPA recommendations are related to individual characteristics of the proposed discharge, not those where we recommend adoption of standard conditions, such as best management practices. It should be noted that significant issues are only reported in the quarter they are raised, and not in subsequent quarters when they are merely dormant (i.e. receive no action by the Corps during subsequent quarters)

"Resolutions" equals dispositive action. Decisions made on permits include permit issuance or denial, modification, addition of permit conditions, or application withdrawal; some decision (explicit or implicit) has been made on the application in regard to FPA concerns, but not necessarily favorable to EPA.

"Advanced Identification" for commitment purposes are those §230.80 actions, 404(c) advanced designation actions and Special Area Management Plans (SAMPs) which meet one of the following criteria:

- ° Area is on the Region's priority list
- ° There is reason to believe the advanced identification will result in the strengthening of State and/or local programs for protecting wetlands.

As guidance, advanced identification efforts within a Region should constitute a program component that represent one-tenth or more of the Region's 404 Program (using qualitative or quantitative indicators such as environmental results, dollar and staff allocation, management attention).

"Initiate" an advanced identification action (major or minor) means: 1) to identify and delineate the geographical area or wetland type that will be evaluated for designation, and 2) to have the approval of management at the division director level to pursue the advanced identification.

"Complete" an advanced identification action (major or minor) means to have signed the final document which specifies the areas suitable and/or unsuitable for discharge.

Dredge and Fill Program - Enforcement

The term "sites" is a broad term used to identify discharges. Measures OEA-12 and 13/E accounts for all discharge discovered that are unpermitted although they are required under CWA §404 to have a permit, or are not in compliance with permit conditions. Related discharges in one geographic area are treated as one "site."

The term "sites addressed by formal enforcement action" means an Administrative Order issued by EPA, a cease and desist order issued by the Corps, or a civil or criminal referral. Corps enforcement actions are to be reported only if EPA participation in the action has been substantial, normally including site work, technical case preparation, and participation in the litigation proceedings (where applicable).

The term "sites resolved by formal enforcement actions" means the discharger has complied with the Administrative Order or Cease and Desist Order or, in the case of a referral, the court has entered a final order.

The term "enforcement field investigations" includes all field trips made to monitor for unpermitted discharges. These trips include routine field activity in which unpermitted discharges are discovered, routine monitoring/enforcement field checks, and trips undertaken due to specific information received (whether based on EPA-gathered information or on information received from outside parties on possible violations). If an aerial overflight-discovered violation is followed by a field trip, it will be counted as one enforcement field investigation.

The term "significant violators (SV)" is one that requires formal enforcement action and meets one or more of the following criteria:

- An illegal discharge into a wetland or other water body on the Regions priority list, or designated by a Federal, State or local authority as a critical resource (e.g. Wildlife Refuges or a component of the Wild and Scenic Rivers System).
- An illegal discharge which endangers habitat and cover for an endangered species (on the U.S. FWS Endangered Species List or on a State list).
- An illegal discharge upon into waters identified by EPA under §230.80 as being an area generally unsuitable for disposal or having 404(c) advanced designation status.
- An illegal discharge upon which an enforcement action is taken as part of a Regional initiative to achieve broader compliance by deterring similar illegal discharges [should include an effort to ensure adequate public awareness of the action(s)].
- An illegal discharger which has violated a previous administrative or judicial order.
- An illegal discharge with individual or cumulative adverse impacts of a significance comparable to permit cases the Region has elevated under Section 404(q) or 404(c).

The definition of SV is used for two measures: 1) compiling the list of pending FY86 cases for the BOY inventory, and 2) for new cases reported in FY87 under SV Dynamic Base.

The term "significant violations detected for which formal enforcement action has not yet been taken" means those cases for which a SV is determined, but issuance of the enforcement action is pending (case development is ongoing). (Determinations of violations made as of 10/1/86 are included in the BOY inventory).

Beginning of year (BOY) Inventory- consists of two categories:

- 1) a list of all pending action cases, as of 10/1/86 which meet the new FY-1987 definition of SV.
 - 2) a list of §309 administrative cases, and or civil or criminal judicial cases. Administrative Orders issued or referred to Headquarters (referrals) prior to FY-1987 (where the FY-1987 SV definition applies) and not closed as of 10/1/86.
- THE BOY INVENTORY SHOULD NOT CHANGE DURING FY-1987.

NEPA Compliance Program

"Oversight review" is defined as an evaluation of the State agency's performance, documented in writing.

"Assistance actions" are defined as substantive efforts to assist programs in meeting their responsibilities, and may include specific projects, e.g., an ocean disposal site designation, or broader program guidance, e.g., standard operating procedures for CERCLA remediation activities to ensure compliance with the Endangered Species Act. Each specific project equals one action even though different activities may occur within the assistance action (document reviews, meetings, etc.)

Indian Program

A "Tribal/EPA agreement" is similar to a State/EPA Agreement, identifying priority environmental problems and measures to address them.

"Technical assistance" actions are defined as substantive efforts to assist tribal governments in protecting their reservation environments, e.g., a sampling program to determine water quality, legal assistance in developing an Administrative Procedures Act, assistance in developing state/tribal agreements to assist in running environmental programs on the reservation, etc.

Schedule Leading to
Final FY 1987 SPMS Measures for OFA

- | | |
|---|---------|
| 1. AA includes preliminary draft measures in draft guidance package and sends to OMSE, OECM, Regional Administrators and HQ program offices with specific information explaining the changes to and purpose of revised measures | 2/28/86 |
| 2. OMSE, OECM, RA and HQ program office comments due to OFA | 3/24/86 |
| <p>(If at this time, no issues are identified for elevation, OFA will finalize measures and submit them through AA to OMSE and OECM. If issues are identified, OFA will work to resolve them during this phase and implement the remainder of this schedule.)</p> | |
| 3. AA circulates draft measures to OMSE, OECM, RAs and HQ program offices | 4/1/86 |
| 4. RAs and HQ program officials notify OMSE and OFA of any issues to be elevated | 4/9/86 |
| 5. OFA/OMSE/OECM/Regions resolve issues (DA meeting if necessary) | 4/16/86 |
| 6. AA submits final measures to OMSE and OECM | 4/21/86 |